



A C T S

and

R E G U L A T I O N S

on

K A N A K A      L A B O U R

Queensland, Federal And Imperial

QUEENSLAND.

Anno Vicesimo Sexto.

Victoriae Reginae.

No. 5.

An Act to give force of Law to Regulations for the introduction and Protection of Laborers from British India.

( assented to 2nd July 1862.)

Whereas in the second Session of the first Parliament of Queensland it was resolved by both Houses of the Legislature that His Excellency The Governor should be requested to cause regulations to be framed and published for the introduction of immigrants from British India into the said colony And whereas it is expedient that all such regulations should receive direct Legislative sanction Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows ---

1. It shall be lawful for the Governor with the advice of the Executive Council to issue by Proclamation in the Government Gazette such regulations as may be necessary to provide for the introduction into this Colony of immigrants from Her Majesty's East Indian possessions and for the maintenance control and protection of such immigrants.

2. All such regulations being in accordance with the requirements of the Imperial Government in that behalf shall have the full force of law from the date of their publication by proclamation in the Government Gazette and shall at the earliest possible date be laid before both Houses of the Parliament.

3. Full provision shall be made in such regulations for the enforcement of agreements or indentures made between

employers and immigrants from India and for the cancelling thereof and any two or more justices in petty sessions shall have power upon the hearing of any dispute between an employer and an immigrant to cancel such agreements or indentures if they shall see cause to do so.

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Supplement to Queensland Government Gazette of

Saturday 5th July 1862. No. 61.

QUEENSLAND.

Anno Tricesimo Primo.

Victoriae Reginae.

No. 47.

An Act to Regulate and Control the Introduction and Treatment of Polynesian Laborers.

(assented to 4th March 1868.)

Whereas many persons have deemed it desirable and necessary in order to enable them to carry on their operations in tropical and semi-tropical agriculture to introduce to the colony Polynesian Laborers And whereas it is necessary for the prevention of abuses and for ~~the~~ securing to the laborers proper treatment and protection as well as for securing to the employer the due fulfilment by the immigrant of his agreement that an Act should be passed for the control of such immigration Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows --

1. It shall not be lawful for any person or persons to introduce any Polynesian Laborers into the Colony of Queensland unless and except in accordance with the regulations contained in this Act and the forms thereunto attached.

2. Within four months from the passing of this Act all persons who have in their employment ~~any~~ any Polynesian Laborers shall make a return to the Immigration Agent or other authorised agent of all such laborers in their employment setting forth the number and names of such laborers the nature and duration of their agreements together with all such particulars as may be required.

3. Any person employing any Polynesian Laborers who shall fail to make a return as required by the foregoing clause shall on conviction of the same before any two justices of peace be subject to a penalty not exceeding fifty pounds.

4. The provisions of this Act shall so far as practicable be applied to all Polynesian Laborers introduced into this Colony before the passing of this Act and to their employers.

5. The Governor with the advice of Executive Council shall appoint from time to time such person or persons as shall be found requisite for the proper inspection of the said Polynesian Laborers and enforcing the provisions of this Act.

6. All persons desirous of importing laborers from the South Sea Islands shall make application to the Colonial Secretary at Brisbane in the form A. appended hereto stating the number required and how they are to be employed such application to be accompanied by a bond in form K signed by the applicant and two sureties to secure the return of the Laborers to their native islands at the expiration of three years or thirty-nine moons from date of arrival A license in form C may then be issued authorising the applicant to import the number required.

7. The owner or charterer of any vessel so licensed shall provide for the use of the passengers a supply of medicines medical comforts instruments and other things proper and necessary for diseases and accidents incident to sea voyage and for the medical treatment of passengers during the voyage including an adequate supply of disinfecting fluid or agent together with printed or written directions for the use of the same respectively and such medicines and medical comforts instruments and other things shall in the judgment of the emigration officer at the port of clearance be good in quality and sufficient in quantity for the probable exigencies of the intended voyage and shall be properly packed and placed under the charge of the medical practitioner when there is one on board to be used at his discretion. In case of non-compliance with any of the regulations of this section the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling.

8. The master of any vessel arriving with Polynesian Laborers shall be bound to report on arrival at any of the ports of Queensland the number of such laborers and the names of the employers to whom they have been or are to be indented and shall not be permitted to land any of the immigrants until he has received the certificate (Form L) of the Immigration Agent or other officer of the Government empowered to grant same that the following regulations have been complied with --

(1) The production by the master of the vessel of a certificate in Form 1 or certificates signed by a consul missionary or other known person that the laborers have voluntarily engaged themselves and entered into their agreements with a full knowledge and understanding of the nature and conditions of same and that when they were embarked they were not known to be afflicted with any disease and were neither maimed halt blind deaf dumb idiotic or insane.

(2) The production by the employers or parties to whom the laborers are or are intended to be indented of the certificate in Form C authorising them to recruit.

(3) That proper means have been taken since the arrival of the ship by the Immigration Agent or other officer by explanations questions and enquiries amongst the laborers themselves to ascertain whether they have a proper understanding of the conditions of the agreements and did voluntarily enter into same That the agreements have been signed in the form prescribed and the employers bound to observe the rules laid down for the treatment and management of the laborers.

9. All agreements (Form D) shall be completed on board the ship if possible and the immigrants taken from same by their employers and should there arise a necessity for taking any of the laborers to the Immigration Depot their maintainance there shall in all cases be borne by the employer.

10. The arrival of the immigrants shall be registered in the Immigration Office Brisbane or at the Customs House in any port and in the latter case a copy of the register shall be forwarded by the Customs officer to the Immigration Office by following mail.

11. The scale of rations and wages shown in form G and printed on the form of agreement shall in no case be deviated from.

12. A register of hired Polynesian Laborers shall be kept by each employer in form E which shall be open for the inspection of any magistrate or other person appointed by Government for the purpose who shall record his visit therein No entry except the state of muster at the expiration of each quarter shall be made in the register of the employer unless from a document of hiring

transfer ~~or~~ death or desertion countersigned by the Immigration Agent or other authorised officer.

13. No transfer of any immigrant shall be made except with the full consent of the transferrer the immigrant and the Government in form F and no immigrant shall be allowed to leave his employment under transfer until the same has been recorded in the books of the Immigration Officer or other appointed officer All transfers shall be signed by the transferrer and immigrant in the presence of a magistrate who shall before such signing explain to the immigrant the full meaning and effect of such transfer Provided that every transferee shall enter into a bond similar to that of the transferrer prior to any transfer being consented to.

14. All deaths or desertions shall be immediately reported to the nearest bench of magistrates and to the Immigration Agent by the employer and in case of death a medical certificate of the cause thereof shall be forwarded if possible.

15. All masters of vessels about to proceed to the South Sea Islands in order to obtain laborers therefrom shall enter into a bond in form B with two sufficient sureties for the prevention of kidnapping and for the observance of these regulations so far as they are concerned.

16. No ship shall carry a greater number of passengers than in the proportion of one statute adult to every twelve clear superficial feet allotted to their use Provided that the height between decks shall not be less than six feet six inches from deck to deck when the height of the 'tween decks exceeds six feet six inches an extra number of passengers may be taken at the rate of one for every one hundred and forty-four cubic feet of space. Each ship must be fitted with open berths or sleeping places in not more than two tiers -- the lowest tier shall be raised six inches from the deck and the interval between the two tiers of berths shall not be less than two feet six inches All passengers shall be berthed between decks or in deck houses.

17. But no ship whatever her tonnage or superficial space of passenger decks shall carry a greater number of passengers on the whole than in the proportion of one statute adult to every five superficial feet clear for exercise on the upper deck or

poop or if secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance on any round-house or deck-house.

18. The length of the voyage to or from the South Sea Islands shall be computed at thirty days for sailing vessels and fifteen days for steamers.

19. Three quarts of water daily during the voyage shall be allowed to each adult exclusive of the quantity used for cooking purposes.

20. Provisions shall be issued to each statute adult during the voyage according to the following scale namely :-

Daily Provisions for Statute Adult.

	lbs.	ozs.
Yams.....	4.	0.
or rice.....	1½.	0.
Meat ( pork or beef ) .....	1.	0.
tea.....	0.	½.
Sugar.....	0.	2.
Tobacco(during good behaviour) per week.....	0.	1½.

The und~~er~~mentioned clothing shall be supplied to each laborer immediately on embarkation in advance :-

1. Flannel Shirt.
1. Pair Trowsers.
1. Blanket.

21. Nominal returns of laborers shall be made by employers of South Sea Island labor to the Immigration Agent at the expiration of each quarter in form H.

22. At the end of each quarter the police magistrates in each district where South Sea Island laborers are employed shall forward to the Colonial Secretary a return of all cases adjudicated upon in relation to Polynesian laborers employed under these regulations such returns to include the names of employers and laborers and the nature of the offences.

23. All persons harboring or employing Polynesian laborers otherwise than under these regulations without reporting the same to the nearest bench of magistrates and to the Immigration Agent in Brisbane shall be liable on conviction thereof to a penalty not exceeding twenty pounds.

24. All breaches of these regulations shall be punishable by fine to be recovered in a summary manner before two justices of the peace for the first offence a fine not exceeding ten pounds for second and subsequent offences not exceeding twenty pounds nor less than five pounds.



25. All engagements made or to be made with Polynesian laborers already in the colony or to arrive are hereby expressly declared to be subject to the provisions of the Act 25. Vic. no. 11.

26. A tax of twenty pounds per head for every Polynesian laborer introduced contrary to the provisions of this Act shall be levied on all vessels in which such laborers may be brought to this colony and in default of payment of such tax such vessel shall be absolutely forfeited to Her Majesty.

27. All expenses incurred by the Government in affording hospital relief to sick Polynesian laborers or by their detention in immigration depots shall be chargeable to the employers of such men and may be recovered from them by summary process on the information of Immigration Agent or other authorised officer.

28. Any person who shall without the consent of the laborer ~~imported or introduced~~ and the written permission of the Government remove or attempt to remove any such laborer out of the Colony of Queensland except for the purpose of his return to his home shall be liable to a penalty of twenty pounds for every such laborer so removed or attempted to be removed and it shall be lawful for the Government in any case to prevent the removal of any such laborer except for the purpose of his return to his home as aforesaid.

29. Any person supplying Polynesian laborers with spirits shall be punishable as at present in the case of aboriginals under fifty-first section of 'Licensed Publicans Act' 27. Vic. no. 16.

30. It shall not be lawful for any employer of Polynesian laborers to charge such laborers with the payment of any moneys on account of stores supplied or to deduct any sum in respect thereof from any wages due to them.

31. This Act shall be styled and may be cited as the 'Polynesian Laborers Act of 1868'.

FORM. A.

Application for permission to introduce South Sea Island  
agricultural or pastoral labourers.

I,.....request to be allowed in accordance with the Act now in force to procure from the South Sea Islands.....immigrants for agricultural or pastoral purposes to be employed in the ..... district.  
Applicant's signature.....

The above requisition lodged with me this....day of.....186..  
Immig. Agent of Q'land.

FORM. B.

Bond to be entered into by shipmasters.

Know all men by these presents that ....of....., ....of.....and.... of..... are held and firmly bounden to our Sovereign lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of five hundred of good and lawful money of Great Britain to be paid to our said lady the Queen, her heirs and successors to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole our heirs ~~executors~~ executors and administrators and every of them firmly by these presents.

Sealed with our seals

Dated this.....day of..... 18...

Whereas by 'The Palynesian Labourers Act of 1868' it is amongst other things enacted that all masters of vessels proceeding to the South Sea Islands in order to obtain laborers therefrom shall enter into a bond with two sufficient sureties for the prevention of kidnapping and due observance of the requirements of the said recited Act Now the condition of this obligation is such that if the above-bounden J.K. master of the ship..... about to proceed to the South Sea Islands to procure laborers shall faithfully observe the requirements of the said recited Act and shall satisfy the Government of Queensland through its officer duly appointed for the purpose that no kidnapping was allowed countenanced or connived at then this obligation to be void otherwise to remain in full force and virtue.

Signed, sealed and delivered by the above-bounden  
and.....in the presence of.....

I hereby certify that the above was duly signed, sealed and delivered by the said .... and in my presence this....day of...18..  
.....Immig. Agent.

FORM. C.

License to recruit laborers from the South Sea Is.

This is to certify that.....(or his agent) is hereby licensed to recruit ....laborers from the South Sea Is. for Queensland in conformity with the Act passed regarding such recruiting. This license is to remain in force only until the number mentioned above have been recruited.

Dated this ...day of....186..

Colonial Secretary of Q'land.

Immigration Agent, Queensland.

N.B. This license is to be returned to the Immig. Agent when the laborers have been received.

FORM. D.

MEMORANDUM OF AGREEMENT made this day between.....of.....of the first part, and .....native of.....~~per ship~~ per ship..... of the second part. The conditions are that the said party of the second part engages to serve to the said party of the first part as a..... and likewise to make .....generally useful for the term of ..... calendar months and also to obey all....or...overseer's or authorised agents lawful and reasonable commands during that period in consideration of which services the said party of the first part doth

hereby agree to pay the said party of the second part wages at the rate of not less than six pounds (£6) per annum, to provide ...with the understated rations daily, to provide suitable clothing and proper lodging accommodation and to defray the expense of...conveyance to the place at which...to be employed, to pay wages in the coin of the realm at the end of each year of the agreement, and provide them with a return passage to their native island at the expiration of three years. No wages shall be deducted for medical attendance.

DAILY RATION.

	lbs.	ozs.
Beef or mutton (or 2 lbs. fish).....	1.	0
Bread or flour.....	1.	0
Molasses or sugar.....	0.	5
Vegetables(or rice 4 ozs. or maize meal 8 ozs.) .....	2.	0
Tobacco per week.....	0.	1½
Salt per week.....	0.	2
Soap (per week).....	0.	4

Clothing.

	Yearly.
Shirts(one of flannel or serge)....	2.
Trowsers pairs.....	2.
Hat.....	1.
Blankets.....	1 pair.

IN WITNESS whereof they have mutually affixed their signatures to this document.

Witness :

The above contract was explained in my presence to the said immigrants and signed before me by them with their names or marks, and by.....or his authorised agent at....this...day of....18..

Immig. Agent or Customs H. Off.

Registered at the .....office Brisbane, Q'land, this...day of...18..  
Immigration Agent.

FORM. E.

Register of S.S.I. laborers employed on plantation of....in the district of.... name of plantation.....Post town.....

Number.	Name.	from.	date arriv.	date due return.	Return for Cr. ending.	do.	do.	Remarks
								date deaths transfers desertions spec. rpts. visits of insp. or magist.
					No. transferred.			
					Less deaths trans.			
					Total.			

I visited the plantation on....and I found all in good order.  
.....J.P.

FORM. F.

We ( name and designation of employer and names and numbers of immigrants engaged) being respectively master and servants under a contract of service made before the Govt. Emigration Agent at..... on the....day of...do hereby agree that the whole rights and obligations of the said first party under the said contract shall be and the same are hereby transferred as at the date hereof to ( name and designation) who hereby agrees to accept the said transfer and the contract hereby transferred with all its rights and obligations.

x  
x Signs or marks of all  
x parties.

11

The above transfer signed by all the parties thereto its nature and effect having been first fully explained to the immigrants above named all in my presence The said transfer also approved and concurred in by me as on behalf of the Govt.

at.... this....day of.... 18..

Immigration Agent.

FORM. G.

SCALE OF RATIONS.

Daily.

	lbs.	ozs.
Beef or mutton (or 2 lbs fish ).....	1.	0.
Bread or flour.....	1.	0.
Molasses or sugar.....	0.	5.
Vegetables(or rice 4 ozs. or maize meal 8 ozs.).....	2.	0.
Tobacco. per week.....	0.	1 $\frac{1}{2}$
Salt. per week.....	0.	2.
Soap. (per week).....	0.	4.

WAGES -- not less than six pounds (£6) per annum  
in the coin of the realm.

FORM. H.

QUARTERLY RETURN.

Return of S.S.I'ers employed on the plantation of..... in the  
district of..... name of plantation.....post town.....  
for Quarter ending.....

Number.	Name.	From.	State of muster.	Trans.	Deserts.	deaths.	Remarks.

Recapitulation.

No. at date of last return.....  
No. trans. to Plantation during Qr.....  
Deduct. No. died during Qr.....  
" No. trans. from Plantation during Qr.....  
Number remaining on.....

FORM. I.

WHEREAS.....duly licensed by the Govt. of Q'land to recruit S.S.  
Is. laborers according to license exhibited to us and .....nat.  
ives of.....appeared before us this....day of....18..

The said agent has hired the said natives to serve various  
employers in Q'land as laborers for a term of three years and under-  
takes that they shall be furnished with the undermentioned rations  
and clothing that they shall be paid at the rate of not less than  
six pounds (£6) per head per annum in coin of the realm that they  
shall be provided with proper lodging accommodation and that the cost  
of their passage to and from Q'land with all other costs and charges  
shall be defrayed by their employers and that they shall be returned  
free of expense to this place at the expiration of three years and  
that the Govt. of Q'land shall exercise supervision over their emp-  
loyers and otherwise protect them during their term of service and  
during their passage to and from Q'land.

Now we certify that this document has been read and its full mean-  
ing and effect explained to the said above-mentioned natives in the  
presence of the said agent and of ourselves and that the said na-  
tives have consented to accompany said agent to Q'land And we furt-  
her certify that to the best of our belief none of the said natives  
are suffering from any disease or are maimed halt blind deaf dumb  
idiotic or insane.

In witness whereof we have hereunto attached our signature this  
.....day of .....18..at.....

Missionary(or Europ. Resident or Chief Interpreter)  
Agent..... Natives.....

Continued.

Clothing and Food Rations as in FORM ~~Bx~~ D.

To be furnished to Immig. Agent or Customs Officer with report of arrival.

FORM. K.

Form of bond to be given by Employer.

Know all men etc. etc.

Whereas by the Polynesian Laborers Act of 1868 it is amongst other things enacted that all persons desirous of importing laborers from the S.S.Is. shall enter into a bond with two sureties to secure the return of the laborers to their native islands at the expiration of three years or thirty-nine moons from date of arrival at the rate of ten pounds sterling for each laborer introduced Now the condition of this obligation is such that the above-bounden ....~~shall~~ shall pay to the Immig. Agent at the rate of fifteen shillings per quarter for each Polynesian laborer in his employment for the purpose of providing a return passage for each and every S.S.I'er introduced by him under his application and also all the charges or expenses incurred by the Govt. of Q'land in connection with the same then this obligation to be void otherwise to remain in full force and virtue.

Signed, sealed and delivered by the above-bounden AB, CD, and

EF. in my presence this ....day of.... 18..

Immig. Agent( or Just.of the Pea.)

FORM. L.

I hereby certify that the master of the.....arrived from..... on the .....day of.....18.. has produced to me the necessary certificates (Form.I.) that the whole of the laborers on board have voluntarily engaged themselves & &

2. I further certify that the license Form. C. has been produced in all cases.

3. I also certify that by careful examination of the laborers I have ascertained that they have a proper understanding of the full meaning and effect of the agreements and that they voluntarily entered into the same and that the agreements have been signed in the form prescribed, Form.D.

Dated at .....this.....day of.....18...

Immig. Agent.(or off. of Cus.)

Police Magistrates appointed Inspectors of Polynesian Labourers.

Q'land Govt. Gazette....Saturday, 11th July, 1868.

IMPERIAL ACT.

35 & 36 Vic. c.19.

An Act for the Prevention and Punishment of Criminal Outrages upon the Natives of the Islands in the Pacific Ocean.

(assented to 27th June, 1872.)

Whereas criminal outrages by British subjects upon natives of islands in the Pacific Ocean ; not being in Her Majesty's Dominions nor within the jurisdiction of any civilised power, have of late much prevailed and increased, and it is expedient to make further provision for the prevention and punishment of such outrages :

Be it enacted that by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same as follows :-

1. This Act may be cited as 'The Kidnapping Act, 1872.'
2. The term Governor shall include the officer for the time being administering the government of any of the Australasian Colonies, and 'Governor in Council' shall mean the Governor acting by and with the advice of the Executive Council under his government.

The term 'Australasian Colonies' shall mean and include the colonies of New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia:

The term 'vessel' shall include a ship or boat:

The term 'oath' shall include any affirmation or declaration taken or made in lieu of an oath :

The term 'master' shall include any person for the time being in command or charge of a vessel.

3. It shall not be lawful for any British vessel to carry native labourers of the said islands, not being part of the crew of such vessel, unless the master thereof shall, with one sufficient surety to be approved by the Governor of one of the Australasian colonies, or by a British consular officer appointed by Her Majesty to reside in any of the said islands, or by any person appointed by either of those officers, have entered into a joint and several bond in the sum of five hundred pounds to Her Majesty, her heirs and successors, in the form contained in Schedule A to this Act annexed, or in such other form as shall be prescribed by the

64

legislature of any of the Australasian Colonies in respect of vessels sailing from the ports of such colony, nor unless he shall have received a license in the form contained in Schedule B to this Act ~~annexed~~ annexed from any such Governor or British consular officer.

4. The said penal sum of five hundred pounds shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act, and whether such penalties or forfeitures shall have been sued for and recovered or not.

5. It shall be lawful for any such Governor or British consular officer as aforesaid, upon being satisfied that a bond has been duly given by the master of any British vessel under the third section of this Act, to grant, if he shall think fit, to such master a license in the form contained in the said Schedule B.

6. All the provisions of this Act, with respect to the detention, seizure, bringing in for adjudication before any Vice Admiralty court, trial, condemnation, or restoration of vessels suspected of being employed in the commission of any of the offences enumerated in the ninth section of this Act shall, mutatis mutandis, apply to any British vessel which shall be found carrying such native labourers without a license or in contravention of the terms of any license which may have been granted to the master thereof.

7. The master of any vessel carrying such native labourers without any such license or in contravention of the terms of any license which have been granted to him, shall be liable to a fine of not exceeding five hundred pounds, which may be sued for and enforced in and by any court of justice of the Australasian Colonies; but nothing herein contained shall be taken to affect the liability of such master for any offence committed by him under the ninth or tenth sections of this Act; Provided always, that aggregate sum imposed or recoverable by way of penalty under this Act shall in no case exceed the sum of five hundred pounds.

8. Nothing herein contained shall be taken to affect the provisions of an Act passed by the Legislature of Queensland, intituled 'An Act to regulate and control the introduction and treatment of Polynesian Labourers', nor of any Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies



not being inconsistent with the provisions of this Act; and the provisions of this Act in respect of vessels carrying native labourers without a license, or in contravention of the terms of a license, shall not apply to any vessel which has complied with the regulations ~~under~~ and conditions imposed by the said Queensland Act or by any other Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies as aforesaid, proof of which compliance shall lie upon the master of ~~the~~ <sup>such</sup> vessel.

9. If a British <sup>subject</sup> commits any of the following offences; that is to say,

(1) Deceys a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence; or carries away, confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall <sup>lie</sup> on the party accused :

(2) Ships, embarks, receives, detains, or confines, or assists in shipping, embarking, receiving, detaining, or confining, for the purpose aforesaid, a native of any of the aforesaid islands on board any vessel, either on the high seas, or elsewhere without the consent of such native, proof of which consent shall lie on the party accused :

(3) Contracts for the shipping, embarking, receiving, detaining, or confining on board any vessel for the purpose aforesaid any such native without his consent, proof of which consent shall lie on the party accused :

(4) Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire any vessel, or commands, or serves, or is on board any such vessel with intent to commit, or that any one on board should commit, any of the offences above enumerated :

(5) Ships. lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any such vessel money, goods, or other articles, with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated; he shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any Supreme Court of



16  
justice in any of the Australasian colonies, and shall, upon conviction, be liable at the discretion of the court to the highest punishment other than capital punishment, or to any less punishment, awarded for any felony by the law of the colony in which such offender shall be tried.

10. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

11. Any offence against this Act may be described in any indictment, information, or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, town, or ~~any~~ place in which the trial is held.

12. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies for any offence under this Act, such Supreme Court, upon motion to be made on behalf of the prosecutor or accused, may order a commission or commissions to issue for the examination of witnesses upon oath, and to receive proof at any place or places out of the jurisdiction of such court concerning the matters charged in such indictment or information; and the Supreme Court is hereby required and authorised by the same or any subsequent order or orders to make such rules and give such directions as to the time, place, and mode of executing such commission or commissions, and as to the notice thereof to be given to the party accused, and as to the proper return of the depositions taken and the matters done thereunder, as to the said court shall seem fitting and proper, and the depositions being duly taken under such commission or commissions and returned to the said court shall be allowed and read as if the witness so deposing had been present, sworn, and examined viva voce at any trial for such offences as aforesaid in the said Supreme Court, any law or usage to the contrary notwithstanding.

13. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies for

any offence under this Act, the Governor in Council of such colony may authorize and empower the commander of any of Her Majesty's ships or vessels, or the master of any ship or vessel trading with the inhabitants or natives of the said islands to obtain the attendance as a witness of any native of any of the said islands, for the purpose of giving evidence either before the said Supreme Court or before any commission for the examination of witnesses ordered by such court, and to transport and convey such witness to the colony in which such offence shall be tried or to the place where such commission shall be held, and also to remunerate such witness by such sum of money or other remuneration as the said Governor in Council shall see fit to authorize for his attendance to give evidence as aforesaid, and for his reconveyance back to the island or place from whence he shall have been so brought.

14. In all cases in which an oath may be lawfully administered to any person either as a witness or deponent in any proceeding under this Act, it shall be the duty of the court or commissioner, or officer administering the same, to ascertain, as far as possible, in what form such oath ~~shall~~ will be binding on the conscience of such witness or deponent, and to administer such oath in such form accordingly; and the Court before which such proceedings shall take place or a commissioner under any commission as aforesaid may declare in what manner the evidence ~~the~~ shall be taken of witnesses or deponents who are ignorant of the nature of an oath, and the evidence or deposition taken in any such form or manner as aforesaid shall be as valid as if an oath had been administered in the ordinary manner.

15. Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit had or taken in any proceeding under this Act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the pains and penalties to which persons convicted of wilful and corrupt perjury are liable, and ~~every~~ every such person may be tried either in the place where the offence was committed, or in the Supreme Court of any of the Australasian colonies.

16. Any British vessel which shall upon reasonable grounds be suspected :

(1) Of being employed in the commission of any of the offences enumerated in the ninth section of this Act; or

18

(2) Of having been fitted out for such employment; or

(3) Of having during the voyage on which such vessel is met been employed in the commission of any such offence,

may be detained, seized, and brought in for adjudication upon the charge of being ~~employed in the commission~~ or having been so employed or fitted out as aforesaid before any Vice Admiralty Court in any of Her Majesty's dominions by any of the following officers; that is to say :-

- (1) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the Governor or officer administering the government of such possession :
- (2) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer :
- (3) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior ~~officer~~ officer :
- (4) Any consul or consular agent appointed by Her Majesty to reside in any island not within the jurisdiction of any civilised power.

17. Any other officer authorized to seize or detain any vessel in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy, or marines, or any ~~excise officers~~ or officers of customs, or any harbour-master or dock-master, or any officers having authority by law to make seizures of vessels, and may put on board any vessel so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act, and any officer seizing or detaining any vessel under this Act may use force if necessary, for the purpose of enforcing seizure or detention.

18. The Vice Admiralty Court before which any vessel is so brought for adjudication shall have full power and authority to take cognizance of, and try the charge upon which such vessel is brought

in, and may on proof thereof condemn the vessel and cargo, or either as the case may be, as forfeited to Her Majesty, or may order such vessel and cargo, or either of them, to be restored with or without costs and damages, as to the court shall seem fit; and in any such proceedings the said court shall have such powers to issue commissions for the examination of witnesses, and to give directions in respect thereof, as are hereinbefore vested in the Supreme Courts of the Australasian colonies; and the said court shall, in addition to any power given to it by this Act, have in respect of any vessel or other matter brought before it in pursuance of this Act, all powers which it has in the case of a vessel or matter brought before it in the exercise of its ordinary jurisdiction.

19. When any detention or seizure shall be made under this Act, and proceedings instituted in any Vice-Admiralty Court in respect of such detention or seizure, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages and expenses which may be incurred in such proceedings.

20. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the Vice-Admiralty Court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act.

21. This Act shall be proclaimed in the several Australasian colonies by the respective Governors thereof, within six weeks after a copy of such Act shall have been received by such Governors respectively, and shall take effect in the several colonies from the day of such proclamation.

22. Nothing in this Act contained shall be taken to affect the powers vested in the Supreme Courts of New South Wales and Tasmania under the Act 9. Geo. IV. c. 83.

SCHEDULE A.

Form of Bond to be entered into by masters of vessels

under 'The Kidnapping Act, 1872.'

Know all men by these presents, that we A.B. of..... and C.D.

of ..... are held and firmly bound unto Our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every one of them, firmly by these presents.

Sealed with our seals. Dated this.... day of.... 187..

Whereas it is enacted by 'The Kidnapping Act, 1872', that no British vessel shall carry native labourers of islands in the Pacific Ocean not being within the jurisdiction of any civilized power unless the master of such vessel, together with one sufficient surety to be approved by the Governor of one of Her Majesty's Australasian colonies, or by a British consular officer, or by any person appointed for the purpose by either of those officers, shall have given to Her Majesty, her heirs and successors, a bond in the sum of five hundred pounds for the prevention of kidnapping, and for the due observance of the requirements of the said Act, and of the license which the said master is thereby required to obtain.

Now the condition of this obligation is this, that if in respect of the vessel ....., whereof the above bounden A.B. is master, all and every the requirements of the said Act and of the license issued thereunder to the said master shall be well and truly performed, and if the above bounden A.B. shall satisfy the Governor of any of Her Majesty's Australasian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden

A.B. and C.D. in the presence of

E.F. of .....

SCHEDULE B.

(Royal Arms.)

License for the carriage by sea of Native Labourers.

A.B. Master of the ....., the vessel more particularly described below, having duly given to Her Majesty Queen Victoria the bond required by 'The Kidnapping Act, 1872', for the prevention of kidnapping and the due observance of the said Act, I (the Governor of the colony of .... or Her Majesty's consul of .... as the case may be) do hereby, in exercise of the authority for that purpose conferred on me by the said Act, license the said vessel to carry not more than ... native labourers from...to.... Should this vessel be found to answer the subjoined description and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment or landing of her native passengers.

This license shall not be transferable, and shall be available only for the voyage from.....to.... aforesaid, and for a period not exceeding.....days from the date thereof.

Description.

Tons. (reg. tonnage).... Rig(ship, barque, brig &)... How painted.... Name painted on stern.... Whether any poop.... Whether any quarter galleries... Whether a top-gallant fore-castle... Name of chief officer.... No. of officers & crew incl. surgeon if any... Bound from... to.... and intending to call at.....&.....

Given under my hand and seal at..., this ...day of... 187..

To the respective ~~officers~~ flag Officers, Capts., and Com. Offs. of Her Maj's ships and to all others whom it may concern.

IMPERIAL ACT.

An Act to Amend the Act of the Session of the 35th and 36th years of the reign of Her present Majesty, chapter nineteen, intituled "An Act for the prevention and punishment of Criminal Outrages upon natives of the Islands in the Pacific Ocean".

(assented to 2nd August, 1875)

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

1. This Act shall be construed as one with the Act of the session of the 35th and 36th years of the reign of Her present Majesty, chapter nineteen ( in this Act referred to as the principal Act ) and the expression "this Act", when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.

2. Whereas by section three of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a governor of one of the Australasian colonies or a British consular officer a licence in the form contained in Schedule B. to the said Act:

And whereas such licence does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and it is expedient to authorise the same : Be it therefore enacted as follows :

The licence mentioned in section three and five of the principal Act may authorise a vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B. to this Act, in lieu of the form contained in Schedule B. to the principal Act, and the bond mentioned in section

three of the principal Act shall in each case be in the form contained in Schedule A. to this Act in lieu of the form contained in Schedule A. to the principal Act.

If a native labourer, carried in pursuance of a licence issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

3. Whereas by section six and sixteen of the principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, ~~and~~ or otherwise as in the said sections mentioned, and it is expedient to amend such provision : Be it therefore enacted as follows :

Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication, by such officer, either with or without such vessel; and all of the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as it is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows :

The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominion out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act, or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any Act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any



case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the Court may think just.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act ( which sections relate to the issue of commission for the examination of witnesses and other matters relative to obtaining evidence ) vested in the Supreme Court of any of the Australasian colonies, and further all powers which such Court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

5. Sections nineteen and twenty of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award, either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

6. It shall be lawful for Her Majesty to exercise power and jurisdiction over her subjects within any island and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized power, in the same, and as ample a manner as if such power or jurisdiction has been acquired by the cession or conquest of territory, and by Order in Council to create and institute the office of High Commissioner in, over, and for such islands and places or some of them, and by the same or any other Order in Council, to confer upon such High Commissioner power and authority, in her name and on her behalf, to make regulations for the government of her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, ~~juris~~ and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands or places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction ~~of the~~ of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, ~~be~~,



or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's Court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

It shall also be lawful for Her Majesty, by an Order or Orders in Council, from time to time to ordain for the Government of Her Majesty's subjects, being within such islands or places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the Principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to the dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

8. Whereas by reason of the cession to Her Majesty of the colony of Fiji it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows :

The term "Australasian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any act or ordinance passed by the legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to the natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilized power.

9. The form in the schedule to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders' Protection Acts 1872 and 1875, for the reference therein to the principal Act.

10. This Act shall be proclaimed by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation.

11. Sections one, eighteen, and twenty-one of the principal Act are hereby repealed without prejudice to anything duly done or suffered in pursuance of those sections, or any right liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried as if this Act had not passed.

#### Schedule A.

Form of Bond to be entered into by Masters of vessels under "The Pacific Islanders' Protection Acts 1872 and 1875".

#### Schedule. B.

Licence for the employment of Natives at Sea.

Polynesian Immigration

It is hereby notified for general information, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to give the following directions with reference to "The Polynesian Laborers Act of 1868", and for regulating Immigration under that Act:-

1. Before any license to recruit is granted, a separate application, in form A. , must be made by each intending employer, specifying in each case one district only within which the laborers to be imported are to be employed.
  2. All agreements to be entered into on board the ship, on arrival, under the provisions of the ninth section of the Act, must be made with the persons who have so applied for and obtained licenses to recruit, and with them only.
  3. No transfer of a Polynesian laborer by the original employer is to be allowed except after full enquiry, nor until the execution by the intended transferee of a bond, in form K.; and then only in cases which the intending transferee has clearly ceased to require the services of the laborer.
  4. No transfer of a laborer to an employer residing in a different district from that specified in the original application, under which the license to recruit was obtained, is to be permitted under any circumstances, after the lapse of a reasonable time from the arrival of the laborer in the colony.
  5. The obligation on the part of the employers to pay wages at the end of each year is to be strictly enforced.
  6. All the other provisions of the Act are to be observed and followed in all respects.
-

QUEENSLAND.

anno quadragesimo quarto.

Vic. Reg.

No. 17.

An Act to make provision for regulating and controlling the Introduction and Treatment of labourers from the Pacific Islands.

(Assented to 18th Nov., 1880.)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly in Parliament assembled, and by the authority of the same as follows :-

Part. I.

Preliminary.

1. The Polynesian Laborers Act of 1868 is hereby repealed, but nothing herein contained shall affect any act or thing lawfully done, or commenced, or contracted to be done, under the authority of the said Act.

2. In this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively, that is to say,-

"Pacific Islander" or "Islander" - A native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power.

"Native passenger" or "passenger" - An islander being conveyed on board of any vessel licensed to carry islanders under the authority of this Act.

"Labourer" - A Pacific Islander who has been brought to Queensland, and the stipulated time for whose return to his native island has not arrived.

"Inspector" - An Inspector appointed under this Act.

"Employer" - An employer of Pacific Islander or labourer, or the manager or overseer of such employer, or any person having the actual charge of an estate or place where an islander or labourer is employed.

"Tropical or semi-tropical Agriculture" - The business of cultivating sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits

and of rendering the products thereof marketable.

"Minister" - The Colonial Secretary, or other Minister charged with the execution of this Act.

"Immigration Agent" - The Immigration Agent at Brisbane or the Assistant Immigration Agent at any other port.

3. No person shall hereafter introduce islanders into the Colony of Queensland except under the provisions of this Act.

4. The provisions of this Act shall, so far as the same are applicable, be applied to all Pacific Island labourers introduced into this colony before the passing of this Act, and to their employers, but shall not apply to any Pacific Island labourers now or hereafter employed solely in pearl or beche-de-mer fisheries on the Queensland coast.

5. The Governor in Council may from time to time appoint fit and proper persons to be Inspectors of Pacific Islanders and labourers for the purposes of this Act.

6. The Governor in Council may from time to time appoint fit and proper persons to be Government Agents to accompany vessels licensed to carry Pacific Islanders under the provisions of this Act.

## Part. II.

### The Introduction of Pacific Islanders

7. Any person desirous of introducing Pacific Islanders shall make application to the Immigration Agent in the form in Schedule A. to the Act, or to the like effect, for a license to introduce such islanders, stating the number proposed to be introduced, and the estate or place where they are intended to be employed.

But no such license shall be granted unless the applicant proves to the satisfaction of the Minister that he is engaged or has made provision for engaging in tropical or semi-tropical agriculture, and that the islanders whom he desires to introduce are intended to be employed in such agriculture only.

8. Such application shall be accompanied by a bond in the form in Schedule. B. to this Act, for a sum equal to five pounds for every islander proposed to be introduced for the purpose of providing for the return passage of such islander to his native island at the expiration of his term of service. Such bond must be executed by the applicant and two sureties, to be approved by the Immigration Agent.

Every applicant shall, previous to the issue of a license, pay to the Immigration Agent the sum of thirty shillings for each islander proposed to be introduced. Such sum shall be appropriated to defray the expenses incurred by the Immigration Agent in supervising the introduction of the islanders, and their subsequent return to their native islands.

A license in the form in Schedule. C. to this Act may then be issued, authorising the applicant to introduce the number of islanders mentioned in the application, or any less number.

In the event of a less number being introduced than the license authorises, the amount paid by the applicant in excess of a sum equal to thirty shillings for every islander actually introduced may be refunded to him.

9. The master of any ship intended to carry native passengers from the Pacific Islands to Queensland shall make application to the Immigration Agent for a license for such a ship. Such application shall be accompanied by a bond for five hundred pounds in the form in Schedule. D. to this Act, made by the master with two sufficient sureties.

Upon the approval by the Minister of such application and of the proposed sureties, a license in the form Schedule. E. to this Act shall be granted by the Minister, authorising such ship to be employed in introducing islanders under this Act. Such license shall specify the number of passengers, not being greater than the number hereinafter prescribed, which such ship may carry.

10. The master or owner of any ship intended to convey passengers from Queensland to the Pacific Islands shall enter into a bond in the sum of five hundred pounds, in the form of Schedule. F. to this Act, to provide for the return of such passengers to their native villages on their respective islands; and no islander shall be permitted to embark in any ship for the purpose of his return to his native island until such bond has been duly executed.

11. No ship shall be authorised to carry a greater number of passengers than in the proportion of one statute adult to every twelve clear superficial feet of space allotted to their use ;and the height between decks shall not be less than six feet six inches from deck to deck.

Provided that when the height between decks exceeds six feet six inches, a greater number may be taken, but not in the whole a number exceeding one adult for every seventy-eight cubic feet of space.

But no ship, whatever her tonnage or superficial space of passenger deck, shall be authorised to carry a greater number of passengers in the whole than in the proportion of one statute adult to every five superficial feet clear for exercise on the upper deck or poop, or on any round-house or deck-house properly secured and fitted on the top with a railing or guard.

In computing the superficial area of the portion of a ship's between decks which is allotted to the passengers' use, the average beam measurement of such portion shall be taken midway between the upper and lower decks.

Every ship shall be fitted with open berths or sleeping-places in not more than two tiers, and the lowest tier shall be raised six inches at least from the lower deck, and the interval between the two tiers of berths shall not be less than two feet six inches. All labourers shall be berthed between decks or in deck houses.

12. Every ship master's license shall be issued subject to the following conditions, that is to say,-

- (1) The master shall provide for the Government Agent, free of cost, first class cabin accommodation, and the usual cabin fare at the master's table, exclusive of wine, beer, and spirits.
- (2) The owner or charterer shall provide for the use of the passengers, and to the satisfaction of the Government medical officer at the port of embarkation, a supply of medicines, medical comforts, instruments and other appliances necessary for diseases and accidents incidental to a sea-voyage, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfectants, together with printed directions for the use of the same respectively; and such medicines, medical comforts, instruments, and appliances shall be properly packed and placed under the joint charge of the captain and Government Agent, to be used at their discretion.
- (3) The master shall not obstruct or attempt to obstruct the

Government Agent in the discharge of his duty, and shall not bring on board, or allow to be brought on board, or remove, or allow to be removed from the ship, any passenger, without the consent of the Government Agent.

- (4) No passenger shall be introduced who, in the opinion of the Government Agent, is less than sixteen years of age.
- (5) Three quarts of water daily during the voyage shall be allowed for each passenger, exclusive of the quantity used for cooking purposes.
- (6) Provisions shall be issued to each passenger during the voyage according to the following scale, namely,-

Daily Provisions for each Passenger.

	<u>lbs.</u>	<u>ozs.</u>
Yams or potatoes.....	5.	0.
or rice.....	2.	0.
Tea.....	0.	0 $\frac{1}{2}$ .
Sugar.....	0.	2.
Tobacco, per week.....	0.	1 $\frac{1}{2}$ .
Pipes, per week.....	one.	

- (7) The undermentioned clothing shall be supplied to each passenger immediately on embarkation in advance, namely,-

<u>Males.</u>	<u>Females.</u>
1 flannel shirt.	1 winsey dress.
1 pair serge trousers.	1 flannel petticoat.
1 double blanket.	1 double blanket.

13. The length of the voyage to or from the South Sea Islands shall be computed at thirty days for sailing vessels and fifteen days for steamers.

Part III.

The Employment of Pacific Islanders in the Colony.

14. All agreements for service made with Pacific Islanders shall be in the form Schedule. G. to this Act, or to the like effect, and shall be completed in duplicate on board the ship, and attested by the Immigration Agent or an Inspector, before the landing of the passengers.

One copy of every agreement shall be retained by the Immigration Agent or Inspector.

15. The master of any ship arriving at any port in Queensland with native passengers under the provisions of this Act shall forthwith report to the Immigration Agent or Inspector -

A. The number of such passengers; and

B. The names of their licensed employers.



22

The master shall not land any of such passengers until he has been granted by the Immigration Agent or Inspector at such port a certificate in the form of Schedule. H. to this Act.

Before granting such certificate the Immigration Agent or Inspector shall require, -

- (1) The production by the master of a certificate or certificates in the form in Schedule. I. to this Act, signed by the Government Agent attached to the ship, that all the passengers have voluntarily engaged themselves and entered into their agreements with a full knowledge and understanding of the nature and conditions thereof, and that when they were engaged they were not known to be afflicted with any disease, and were neither maimed, halt, blind, deaf, dumb, idiotic, or insane.
- (2) The production by every employer for whom the islanders have been engaged, of the license in the form in Schedule. C. to this Act, authorising their introduction.
- (3) Proof, to his satisfaction, by means of oral explanations, questions, and enquiries amongst the passengers, that they have a proper understanding of the conditions of their agreements, and that they voluntarily entered into the same.
- (4) The completion of the agreements in the prescribed form.
- (5) The production by the master of a certificate from the health or medical officer at the port of arrival that the whole of the passengers intended to be landed are in sound bodily and mental health, and are physically fitted to perform the work for which they have been introduced.

16. If the Health or Medical Officer at the port of arrival certifies that any islander introduced is physically unfit for labour in the colony, the master or owner of the ship by which such islander was introduced shall return him to the island from which he was obtained; and any master or owner failing to return such islander when required by an Inspector to do so shall be liable to a penalty not exceeding ten pounds nor less than ~~five~~ five pounds.

17. Every labourer shall, on arrival, be registered at the Immigration Office at Brisbane, or at the office of the Assistant Immigration Agent at any other port. In the latter case, the Assistant Immigration Agent shall forthwith forward a copy of the register to the Immigration Agent at Brisbane.

18. Every labourer shall be taken from the ship by and at the expense of his employer. If from any cause it is necessary to take a passenger from the ship to an Immigration Depot or to a hospital, the cost of his removal thereto, and of his maintenance therein, shall be borne by the master of the ship. Such cost may be recovered in a summary manner before two justices, at the suit of any Inspector.

19. No transfer of the services of a labourer shall be made except with the full consent of the transferrer, the labourer, and the Inspector or a police magistrate, nor until a bond for five pounds for each labourer intended to be transferred, in the form in Schedule.J. to the Act, executed by the transferree and two sufficient sureties approved by the Inspector, has been given, to provide for the return passage of each labourer to his native island at the expiration of the agreement.

Every agreement for such transfer shall be in the form in Schedule.K. to this Act, and shall be signed by the transferrer, the transferree, and the labourer, in the presence of and attested by an Inspector, who shall before attestation explain to such labourer the full meaning and effect of such agreement.

No transfer of the services of any labourer shall be permitted, unless the Inspector or a Police Magistrate is satisfied that the proposed transferree is engaged in tropical or semi-tropical agriculture, and that such labourer is intended to be employed in such agriculture only, and at a place to be specified in the application for transfer.

No labourer shall leave the transferrer's employment until the agreement for transfer has been registered in the books of the Inspector attesting the transfer, or in the Immigration Office at Brisbane.

20. No employer or other person, except in pursuance of a transfer duly registered, shall remove a labourer from the estate or

place on which he was intended to be employed, as stated in the application for license or transfer, without the written permission of an Inspector, nor shall employ such labourer elsewhere than on such estate or place without like permission. Any employer or other person who so removes or employs a labourer without such permission, except under a transfer duly registered, shall be liable on conviction ~~thereof~~ to a penalty not exceeding ten pounds for every labourer so removed or employed.

21. The wages of every labourer shall be paid at the expiration of each six months of his engagement, in current coin of the realm and in the presence of an Inspector or Police Magistrate, and no payment of wages to a labourer shall be of any force or effect unless the same has been made in the presence of an Inspector or Police Magistrate.

No employer shall deduct any sum from the wages of a labourer, in respect of moneys paid during ~~his~~ his term of service, unless such moneys have been paid in the presence of and with the consent of an Inspector or Police Magistrate.

No employer of a labourer shall charge him with the payment of any moneys on account of stores supplied to such labourer, or deduct any sum in respect thereof, from the wages due to him.

22. If the wages payable to a labourer are due, an Inspector may demand payment of the same from the employer; and if such wages remain unpaid for a period of fourteen days after the demand has been so made, the Inspector may sue for and recover the same on behalf of the labourer, in a summary way, before two justices of the peace.

23. At the expiration of ~~any~~ the engagement of any labourer, his employer shall either cause him to be returned to his native island, or if the labourer does not then desire to return, pay the sum of five pounds to the Immigration Agent, to be applied in defraying the cost of the return passage of the said labourer when required by him.

Part. IV.

The Care and Treatment of Labourers when Sick.

24. An employer shall provide his labourers with proper medicine and medical attendance during disease or illness; and any employer who neglects to provide a labourer, when sick, with such

20

medicine and medical attendance, shall for every such offence forfeit and pay a penalty not exceeding twenty pounds, and not less than five pounds, and shall ~~be liable~~ further be liable to pay any reasonable expense incurred by an Inspector in providing such medicine and medical attendance.

25. An Inspector, if he thinks fit, may order a labourer to be taken to the nearest Immigration Depot or Hospital for medical examination or treatment, or for any other purpose deemed necessary by the Inspector. An employer who refuses to allow a labourer to proceed to, or when so ordered refuses to send or convey a labourer to such Immigration Depot or Hospital, shall be liable on conviction of the offence to a penalty not exceeding ten pounds.

26. All expenses incurred in affording hospital relief to a sick labourer, or by reason of his detention in an Immigration Depot while awaiting shipment to his native island, shall be chargeable to the employer or last employer of such labourer, and may be recovered in a summary manner before two justices at the suit of any Inspector.

27. The Governor in Council may from time to time, by proclamation in the Gazette, declare any district in which Pacific Islanders or labourers are employed, to be a district in which a hospital for such islanders and labourers shall be established.

28. Upon the proclamation of any such district every employer of labourers therein, and every employer of labourers introduced under the provisions of this Act, shall pay in advance to the nearest Inspector a hospital capitation fee at the rate of ten shillings per annum for every labourer in his employment, or any less sum in proportion to the time less than one year which any such labourer has to serve, for the purpose of providing hospital relief for sick labourers employed in such district.

Any employer failing to pay the hospital capitation fee on account of any labourer when required so to do by an Inspector shall, in addition to the amount of such capitation fee, be liable to a penalty of ten shillings for every labourer on whose account default in payment has been made.

29. On the proclamation of a district as aforesaid, the Minister may cause to be erected, in some central and convenient position in the district, a hospital building or buildings, to which

labourers or islanders employed in the district may be sent for treatment when sick; and the cost of erecting such hospital building or buildings shall be defrayed from the "Pacific Islanders' Fund", hereinafter mentioned.

30. On the erection of such hospital building the Governor in Council may appoint to be resident surgeon of such hospital, some legally qualified medical practitioner, who shall be empowered, subject to the approval of the Minister, to engage such attendants and nurses as are required for the proper management of such hospital, and such surgeon shall, *virtute officii*, be an Inspector of Pacific Islanders.

31. Every employer in such district shall be entitled to send any of his labourers or islanders, when sick, to such hospital for treatment; and the cost of the treatment and maintenance of any labourer as well as salaries and allowances of the surgeon and attendants of such hospital, shall be defrayed from the "Pacific Islanders' Fund" hereinafter mentioned. The cost of the treatment and maintenance of any islander not being a labourer within the meaning of this Act, shall be borne by his employer.

32. Any employer in such district who fails to send any of his labourers to such hospital for treatment when sick shall be liable, on conviction, to a penalty not exceeding ten pounds nor less than five pounds.

Part. V.

Miscellaneous Provisions.

33. Notwithstanding anything to the contrary contained in "The Intestacy Act of 1877", in the event of a labourer or islander dying during his term of service, the employer shall pay to the nearest Inspector, or to the Immigration Agent, the whole of the wages which would have been payable to such labourer or islander up to the date of his death, as if such wages had accrued due from day to day, and the amount so paid shall be placed to the credit of the "Pacific Islanders' Fund", hereinafter mentioned.

34. Every employer shall keep a register of his labourers in the form in Schedule.L. to this Act, which shall be open for the inspection of any Inspector or justice. No entry except as to the condition of the labourers on inspection shall be made in the register

of the employer, unless from a document of hiring, transfer, death, or desertion, countersigned by the Immigration Agent or an Inspector.

35. All deaths or desertions of labourers or islanders shall be immediately reported by the employer to the nearest Inspector or to the Immigration Agent, and in the case of death a medical certificate of the cause thereof shall be forwarded with the death report to the Immigration Agent.

If no such medical certificate can be obtained, an enquiry under "The Inquests of Death Act of 1869" shall be held into the cause of the death of such labourer or islander.

36. Every employer shall once in every six months make a return to the Immigration Agent in the form, and giving the particulars specified, in Schedule M. to this Act.

37. At the end of every quarter the police magistrate or bench of magistrates in each district where labourers or islanders are employed shall forward to the Immigration Agent a return of all cases adjudicated upon in which such labourers or islanders were concerned. Such return shall specify the names of employers and labourers or islanders, the nature of the offences, and the decisions in each case.

38. All agreements heretofore made, or hereafter to be made with Pacific Island labourers, are hereby expressly declared to be subject to the provisions of the Act 25. Vic. No. 11. "The Masters and Servants Act of 1861".

39. If any islander is introduced into the colony by sea contrary to the provisions of this Act the master and owner of the ship by which such islander is introduced shall be liable to a penalty of twenty pounds for every islander so introduced, and in default of immediate payment the ship by which such islander is so introduced shall be absolutely forfeited to Her Majesty.

40. Any person who, without the consent of a labourer, and the written permission of the Minister removes, or attempts to remove, ~~xx~~ such labourer out of the Colony of Queensland, except for the purpose of his return to his native island, shall be liable to a penalty of twenty pounds for every labourer so removed or attempted to be removed, and it shall be lawful for the Minister in any case to prevent the removal of such labourer except for the purpose of his return to his native island as aforesaid.

37  
41. Any person who obstructs, or attempts to obstruct, any Inspector in the discharge of his duty, and any employer who refuses to assemble his labourers for inspection when requested so to do by an Inspector, shall be liable on conviction to a penalty not exceeding ten pounds.

42. Any person who sells, supplies, or gives to a labourer or islander any fermented or spirituous liquor, or any liquor part whereof is fermented or spirituous shall be liable to a penalty not exceeding five pounds.

43. Any person who offends against any of the provisions of this Act for which no penalty is herein specially provided shall be liable for the first offence to a penalty not exceeding ten pounds, and for a second or subsequent offence of a like nature to a penalty not exceeding twenty pounds nor less than five pounds.

44. Any Inspector may institute and prosecute any proceedings in any Court of Justice in the name and on behalf of any islander for any relief to which such islander is by law entitled.

45. The averment in any information under this Act that any person named therein is a labourer, islander, or passenger, shall be sufficient proof thereof until the contrary is shown.

46. All moneys heretofore received by the Immigration Agent under "The Polynesian Laborers Act of 1868", and all moneys hereafter received by the Immigration Agent or any Inspector under the provisions of this Act, shall be paid into the Treasury and placed to a separate fund to be called "Pacific Islanders' Fund", and shall be available for carrying out the provisions of this Act and for no other purpose.

47. The Governor in Council may make regulations not inconsistent with the provisions of this Act for the due and effectual execution thereof, and respecting any matter or thing necessary to give effect to the objects of this Act, and all such regulations shall forthwith be published in the Gazette, and shall thereafter have the force of law.

48. This Act may be cited as "The Pacific Island Labourers Act of 1880".

SCHEDULE.A.

Application for Permission to introduce Pacific Island Labourers.

SCHEDULE.B.

Employers Bond....to return to home island.

SCHEDULE.C.

License to introduce labourers from the Pacific Islands.

SCHEDULE.D.

Shipmasters' Bond.

SCHEDULE.E.

Shipmaster's license.

SCHEDULE.F.

Return Bond for shipmasters and owners.

SCHEDULE.G.

Agreement between employers and labourers.

Daily Rations.

	lbs.	ozs.
Beef or mutton.....	1.	0.
Bread or flour.....	1 $\frac{1}{2}$ .	0.
Sugar.....	0.	5.
Potatoes (or rice 6 ozs.).....	3.	0.
Tea.....	0.	$\frac{1}{2}$ .
Tobacco per week.....	0.	1 $\frac{1}{2}$ .
Salt per week.....	0.	2.
Soap per week.....	0.	4.

Clothing.

<u>Males.</u>	<u>yearly,</u>	<u>Females.</u>	
Shirts flannel....	4.	Chemises.....	4.
Trousers pairs....	3.	Dresses. wincey.....	4.
(moleskin or serge.)		Petticoats flannel....	2.
Hat.....	1.	Hat.....	1.
Blankets, pairs....	1.	Blankets pairs.....	1.

SCHEDULE.H.

Inspector's certificate.

SCHEDULE.I.

Certificate of Govt. Agent.

SCHEDULE.J.

Transfer Bond.

Schedule. K.

Transfer agreement.

SCHEDULE.L.

Employer's register.

Schedule.M.

Half-yearly return.



QUEENSLAND.

anno quadragesimo septimo.

Vic. Reg.

No. 12.

An Act to Amend "The Pacific Island Labourers' Act of 1880."

( Assented to 10th March, 1884.)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Leg. Council and Leg. Assembly of Qld. in Parliament assembled, and by the authority of the same, as follows:-

1. This Act shall be read and construed with and as an amendment of "The Pac. Island Labs' Act of 1880", hereinafter referred to as the Principal Act, and the several terms thereby defined shall in this Act, except as hereinafter otherwise provided, have the same meanings as are therein assigned to them respectively.

2. In the Principal Act and this Act the term "tropical or semi-tropical agricultur~~e~~" shall mean field work in connection with the cultivation of sugar-cane, cotton, tea, coffee, rice, spices or other tropical or semi-tropical productions or fruits; but shall not include

- (a) The business of engineers, engine-drivers, engine-fitters, blacksmiths, wheelwrights, farriers, sugar-boilers, carpenters, sawyers, splitters, fencers, bullock-drivers, or mechanics.
- (b) The business of grooms or coachmen;
- (c) The business of horse-driving or carting, except in field work; or
- (d) Domestic or household service.

3. All agreements for service made with Islanders, whether the stipulated time for their return to their native islands has arrived or not, shall be in the in the form in Schedule. G. to the Principal Act or to the like effect, and shall be made in duplicate, and attested by the Immigration Agent or an Inspector, who shall retain one copy of the agreement. Provided that the term of service specified in any such agreement may be any period not exceeding three years.

4. The term 'labourer' when used in the third, fourth, and fifth parts of the Principal Act, shall include all Islanders, whether the stipulated time for their return to their native islands has arrived or not.

5. When at the expiration of the engagement of any Islander he enters into a fresh engagement for service, then if -

(a) The sum of five pounds has been paid by his first employer to the Immigration Agent to defray the cost of his return passage; or

(b) That sum has been paid by his then last employer to a former employer under the provisions of this section;

the sum so paid shall be recouped by the new employer to the next preceding employer by whom it was so paid.

6. No person shall be employed as the master, or as a mate, of a ship intended to carry native passengers from the Pacific Islands to Q'land, or as the agent of an intending employer on board of any such ship, unless he has been approved as a fit person to be so employed.

7. No person shall pay or give, or agree to pay or give, to the master of any ship employed in carrying passengers from the Pacific Islands to Q'land, or any other person employed thereon, any sum of money or valuable consideration, the amount whereof is dependent either in whole or in part upon the number of passengers conveyed to Qld. But the remuneration of the master of every such ship, and of every other person employed thereon, shall be at a fixed rate, either for the voyage, or dependent wholly upon the time occupied in the voyage.

If the provisions of this section are violated in respect of any ship, whether by the owner, ~~charterer~~ charterer, master or any other person employed thereon, the ship, her tackle, apparel, and furniture, shall be forfeited to Her Majesty, and the person offending shall also be liable to a penalty of one hundred pounds.

8. A detailed statement of all expenditure incurred in and about every voyage of a ship employed in carrying passengers from the Pacific Islands, verified by the solemn declaration of the owner, charterer, or agent, shall be transmitted within four weeks after the arrival of a ship in Q'land to the Immigration Agent: For every breach of the provisions of this section the owner, charterer or agent shall each be liable to a penalty of five hundred pounds.

9. It shall not be lawful to sell, supply, or give, to any Islander any firearms, bullets, leaden shot, gunpowder, or other explosive substance.

10. From and after the first day of September, 1884, it shall not be lawful to employ any Islander, except under an agreement for service attested as hereinbefore provided, nor except in tropical or semi-tropical agriculture.

11. The provisions of the third and fourth sections of this Act and of the last preceding section shall not apply to Islanders employed as part of the crew of a vessel, or as attendants at a depot or hospital for Islanders; nor to any Islander with respect to whom it shall, before the first day of September, 1884, be proved to the satisfaction of the Minister that he has been continuously in the colony for a period of not less than five years.

Upon such proof being made in respect of any Islander, he shall be registered by the Immigration Agent as exempt from the aforesaid provisions.

A certificate under the hand of the Immigration Agent that any Islander named in the certificate is so exempt shall be sufficient evidence in all courts of justice of the fact of such exemption.

12. Any person offending against any of the provisions of this Act shall, when no other penalty is expressly provided, be liable, upon conviction, to a penalty not exceeding twenty pounds and not less than five pounds.

13. Proof that any Islander is found engaged in any occupation upon any premises shall be sufficient evidence of the employment of such Islander in such occupation by the owner or other person having the principal management or charge of such premises.

14. All offences against the Principal Act or this Act may be prosecuted in a summary manner way before two Justices of the Peace, and the accused person, or the wife or husband of an accused person, shall be a competent witness on his or her behalf.

15. Penalties for offences against the provisions of the tenth section of this Act may be sued for and recovered at the suit of any person. Penalties for offences against any of the other provisions of this Act, or of the Principal Act, may be sued for and recovered at the suit of an Inspector, or any other person authorised in that behalf by the Minister.

16. One half of every penalty recovered under this Act and of the proceeds of every vessel forfeited for breach of the provisions

thereof shall be paid to the person on whose information such penalty or forfeiture was recovered or enforced.

17. Notwithstanding the provisions of the fourth section of the Principal Act, the provisions of the forty-second section of that Act shall extend and apply to all Islanders, whether employed in pearl or beche-de-mer fisheries on the Queensland coast or not.

18. This Act may be cited as "The Pacific Island Labourers Act of 1880 Amendment Act of 1884".

QUEENSLAND.

anno quadragésimo octavo.

Vic. Reg.

No. 20.

An Act to Prevent the Improper Employment of Aboriginal  
Natives of Australia and N. Guinea on ships in Q'land Waters.

(assented to 17th November, 1884.)

Whereas it is expedient to make better provision for preventing the improper employment of native labourers on vessels trading in Q'land Waters : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows :-

1. In the interpretation of this Act --

the term "native labourer" means any aboriginal native of Australia or N. Guinea or of any of the small islands adjacent thereto respectively;

The word "vessel" means any ship or boat;

The term "vessel trading in Queensland Waters" means a vessel sailing from any port in Queensland and engaged in any fishery, or in trading between Queensland ports, or between <sup>ANY</sup> Queensland ports and any island or islands belonging to or dependent on Queensland.

2. No native labourer shall be employed or carried on board of any vessel trading in Q'land Waters unless he is carried on the ship's articles in like manner as a seaman forming part of the crew of the vessel, and has been engaged to serve in accordance with the provisions of this Act.

3. No native labourer shall be engaged to serve on board of, or in connection with, any such vessel for any voyage or period of time, by any person other than the master or owner thereof, nor shall any native labourer be so engaged except in the presence of and with the ~~written~~ sanction of the shipping master of the port at or nearest to which such engagement is made.

4. Every Agreement of hiring of a native labourer shall be signed by him in the presence of such shipping master, who shall carefully explain the Agreement to him, or otherwise ascertain that he understands the same, before he signs it, and shall attest the signature of such native labourer.

The shipping master shall enter the particulars of every such engagement in a register book, to be kept by him for that purpose, and the native labourer and the master or owner engaging him shall respectively sign their names in the book in testimony of the engagement.

The shipping master shall also enter in the register book particulars of the personal appearance of the native labourer sufficient to identify him, and shall deliver to him a metal token inscribed or impressed with such letters and figures as shall be sufficient to show where the entry relating to him can be found, and a copy of such particulars, letters, and figures, shall be entered in the official log of the vessel.

5. Every Agreement shall contain the following particulars as terms thereof, ~~an~~ namely :-

- (1) The nature of the intended voyage or engagement, and, as far as practicable, its duration, which shall not exceed twelve months;
- (2) The capacity in which the native labourer is to serve;
- (3) The amount of wages which the native labourer is to receive;
- (4) A scale or statement, approved by the shipping master, of the provisions and clothing to be furnished to the native labourer.

6. If any vessel trading in Queensland Waters carries any native labourer with respect to whom the provisions of this Act have not been observed, the master and owner shall be jointly and severally liable to a penalty not exceeding one hundred pounds.

7. Every native labourer employed on board of, or in connection with a vessel trading in Queensland Waters, whether he was engaged before or is engaged after, the passing of this Act, shall be discharged and receive his wages in the presence of a shipping master.

If the master or owner of any such vessel, or any other person, discharges a native labourer who has been employed on board of any such vessel or pays his wages otherwise than as is herein provided, shall be liable to a penalty not exceeding twenty pounds.

8. If any such vessel arrives in any port in Queensland having a less number of native labourers on board than are carried on the ship's articles, the master or owner shall each be liable to a penalty not exceeding five and twenty pounds for every native labourer so deficient in respect of whom such master or owner shall not prove to the satisfaction

of the Court that he has been prevented ~~may~~ by circumstances beyond his control from bringing such native labourer to such port.

9. All offences against either of the two last preceding sections of this Act may be prosecuted in a summary way before any two justices.

10. In any proceeding against any person for a breach of the provisions of this Act the accused person shall be a competent witness on his own behalf.

11. In any proceeding under this Act the averment in the information or statement of claim that any person named therein is a native labourer shall be sufficient proof thereof until the contrary is shown.

12. The provisions of this Act shall not apply to any native labourer who is employed as a boatman on board of any boat in any port of Queensland.

In the case of a native labourer who is carried direct in a vessel to any such port for the purpose of being engaged under the provisions of this Act, (the proof of which purpose shall be upon the person alleging the fact), the provisions of this Act shall not apply in any respect of such native labourer while he is being so carried.

13. The engagement of a native labourer in accordance with the provisions of this Act shall be a sufficient compliance with the provisions of the eleventh section of "The Pearl-Shell and Beche-de-mer Fishery Act of 1881" respecting native labourers.

14. This Act may be cited as "The Native Labourers' Protection Act of 1884".

1884.

## QUEENSLAND.

Legislative Council.

### REGULATIONS UNDER "THE PACIFIC ISLAND LABOURERS ACT OF 1880," AND INSTRUCTIONS TO GOVERNMENT AGENTS.\*

*Laid on the Table of the Legislative Council by Command, and Ordered to be Printed, 8th July, 1884.*

#### "THE PACIFIC ISLAND LABOURERS ACT OF 1880."

Colonial Secretary's Office,  
Brisbane, 17th April, 1884.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Regulations under "*The Pacific Island Labourers Act of 1880.*"

S. W. GRIFFITH.

#### *Applications for shipmaster's licenses.*

1. Applications for shipmaster's licenses must be made in duplicate, in the form, and containing the particulars, specified in Schedule N hereto, and must be delivered to the Inspector of Pacific Islanders at the intended port of departure. The Inspector will retain one copy and forward the other to the Immigration Agent at Brisbane, together with a report upon the several statements contained in the application and the character of the officers and men intended to be employed, and a certificate from the Shipping Inspector at the port, as to the seaworthiness of the ship, and the number of passengers she may carry under the provisions of the Act.

In the case of officers not previously known to the Immigration Department, certificates of character must accompany the application.

#### *May refer to former application.*

2. When the particulars required by the preceding Regulation have been once given in respect of any ship, any subsequent application for a license for the same ship may refer to the particulars previously given, provided that no change has since been made.

#### *Accommodation for Government Agent.*

3. No license will be granted for any ship in which proper first-class cabin accommodation is not provided for the Government Agent.

#### *No firearms to be carried except for ship's use.*

4. No license will be delivered to the master of any ship until the Inspector at the port of departure has received a certificate from the Customs Department, stating what firearms and ammunition are on board, and certifying that they are not more than is required for ordinary ship's use.

On the return of the ship to Queensland the arms and ammunition remaining on board will be examined by the Customs Department, which will report the result of the examination to the Inspector at the port of arrival.

#### *Separate accommodation for women.*

5. When women are carried as passengers a separate compartment must be provided for them.

#### *Ships to have distinguishing colour and marks.*

6. In order to distinguish Queensland labour ships from those of Fiji, New Caledonia, or other countries, they are to be painted white, with a black streak at least six inches wide running fore-and-aft on both sides just below the covering-board, and to carry when recruiting a black ball not less than eighteen inches in diameter at the mainmast head.

#### *Form of application for labourers.*

7. Every application for a license to introduce labourers must be accompanied by a statement in the form in schedule O hereto, which must be delivered to the Inspector, and by him sent to the Immigration Agent at Brisbane, with a report upon the several particulars contained therein.

*Recruiting*

\* Published in the *Government Gazette* of the 18th of April, 1884.



*Recruiting at any island may be forbidden.*

8. The Minister may, by a general direction published in the *Gazette*, or by a special direction given on granting a license in respect of any particular ship, forbid the recruiting of labourers at any specified island or islands, and Government Agents are required to see that all such directions are obeyed.

The names of any islands from which recruiting is forbidden will be endorsed on the shipmaster's license.

*Passenger space not to be used for stores.*

9. The passenger space in labour ships must not be used for stowing ships' stores, or for any other purpose than the accommodation of passengers.

*Medicines, &c.*

10. Before the license is delivered to the Master the Inspector at the port of departure is to satisfy himself that the ship has on board a proper supply of medicines, medical comforts, instruments, and other appliances necessary for diseases or accidents incidental to a sea voyage, and for the medical treatment of the passengers as required by the 12th section of the Act; and also that proper provision is made for ventilation, and that the ship has a proper supply of cooking utensils, water-tanks, and vessels for the supply of water to the passengers on deck during the voyage. The Inspector is to forward a report thereon to the Immigration Agent at Brisbane.

*Trading to be under supervision of Government Agent.*

11. All trading with natives must be conducted under the supervision of the Government Agent, who will note the particulars in his log.

*Effects of return passenger dying on board ship.*

12. If any return passenger dies before his arrival at his native island his effects are to be delivered to his friends at the island, if any can be there found. If none can be found the effects are to be brought back to Queensland and delivered to the Inspector at the port of arrival.

*Master to obey the directions of Government Agent.*

13. The Master is required at all times to obey the reasonable directions of the Government Agent in respect to the recruiting of labourers.

*Labourers to be recruited in presence of Government Agent.*

14. The Government Agent must be present on every occasion when labourers are recruited, and must inform himself by personal observation and inquiry that the intending recruit understands the nature of his engagement.

*Government Agent to supervise all engagements of interpreters, &c.*

15. The Government Agent is to supervise the engagement, discharge, and payment of interpreters and all other persons who may be employed as boats crews or otherwise during the voyage, and is required to report specially as to the qualifications of the interpreters and the character of all other persons so engaged, and the circumstances of their engagement and discharge.

*Europeans in recruiting boats.*

16. Two Europeans at least, not counting the Government Agent, must be present in every boat which leaves the ship to recruit labourers.

*No firearms to be taken on board or unladen during voyage.*

17. No firearms or ammunition are to be taken on board the ship after her departure from Queensland, or to be unladen from the ship during the voyage, except the arms required for the protection of the crews of the ship's boats. If this Regulation is violated, the Government Agent is peremptorily required to refuse to permit any further recruiting on that voyage, and no license will be granted for the ship for a period of twelve months from her return to Queensland.

*No spirits to be given to islanders.*

18. No spirits are to be given to any islander, either on his island or in boats or on the ship, except for medicinal purposes, and then only by order of the Government Agent; nor may any spirits be taken in the recruiting boats.

*Islanders not to be recruited except at their own island, nor islanders in employment of Europeans.*

19. No islander is to be recruited who is in the service of any European settler in the Pacific; nor is any islander to be recruited, under any circumstances, except at his native island.

*No attempt to be made to re-take unwilling islanders.*

20. If any islander who has agreed to come to Queensland afterwards leaves the ship, or refuses to go on board of her, no attempt is to be made to take him by force or to induce him to come by means of threats or intimidation. If the provisions of this Regulation are violated, the full penalty of the shipmaster's bond will be enforced.

*Women not to be recruited alone or without consent of Chief.*

21. No woman is to be recruited unless accompanied by her husband, nor without the consent of the Chief of the island or of the village or district from which she is brought.

*If*

*If Regulations disobeyed recruiting to cease.*

22. If any islander is recruited contrary to the provisions of these Regulations, or if the Master is guilty of any other violation of them, the Government Agent is to refuse to permit any further recruiting, and to require the ship to return to Queensland as soon as the return passengers (if any) have been landed.

*Ship to carry interpreters on arrival.*

23. The ship must on her arrival in Queensland have on board or provide some person or persons competent to interpret between every islander on board and the Inspector at the port of arrival. Any islander on board whose language cannot be so interpreted will be returned to his island at the expense of the owner of the ship.

*Islanders to be inspected by Medical Officer on arrival.*

24. On arrival of the ship in Queensland the Health or Medical Officer at the port will inspect the islanders on board, and certify as to their fitness for labour in the colony. If he certifies that any islander is physically unfit by reason of age or otherwise, the islander must be at once returned to his native island, as provided by the 16th section of the Act.

*Restrictions on transfers.*

25. Transfers of the services of labourers before the expiration of six months from the date of the arrival of the ship by which they were introduced will not be allowed without the special sanction of the Minister; nor will transfers from an employer residing in one district to an employer residing in another be allowed without the like sanction.

*Committee for management of hospitals.*

26. In any district in which a hospital is established, a Committee of Management may be annually appointed to advise and assist the Minister in the management of the hospital. Such committee shall consist of three persons nominated by the employers of labourers in the district, and approved by the Governor in Council, and an equal number appointed by the Governor in Council.

The committee may, with the approval of the Minister, make by-laws for regulating the management of the hospital and the admission of patients thereto, for defining the duties of the resident surgeon and other officers of the institution, for providing for attendance upon sick labourers on the plantations on which they are employed, and generally for the good order and government of the hospital.

*Employers to give notice on expiry of engagement.*

27. On the expiration of the engagement of any islander his employer shall at once inform the Inspector of the fact, and shall state what arrangements he has made for the return of the islander to his native island, or for his re engagement, as the case may be.

*Regulations to be posted.*

28. A copy of these Regulations shall be constantly kept posted in some conspicuous part of the ship.

SCHEDULE N.

I, the Master of the British ship of which of the owner apply for a license authorising the said ship to be employed in the introduction of Pacific Islanders into Queensland under "The Pacific Island Labourers Act of 1890."

The following are the particulars:—

1. Tonnage ... ..
2. Superficial feet of space (specifying beam measurement on upper and lower decks) ...
3. Height between decks ... ..
4. Area of passenger deck or decks ... ..
5. Arrangement of sleeping places ... ..
6. Number of compartments for islanders and area of each ... ..
7. Mode of ventilation ... ..
8. Particulars of cabin accommodation for Government Agent ... ..
9. Particulars of store rooms ... ..

	Previously employed in Labour		Rate of Pay.
	Vessel	in	
	the year		
10. Full name of—			
Master ... ..	...	...	...
Mate ... ..	...	...	...
Recruiting Agent ... ..	...	...	...
Crew ... ..	...	...	...
11. Names of proposed sureties ... ..	...	...	...

Dated at this day of

A.B. [Signature of Master.]

SCHEDULE O.

## SCHEDULE O.

1. Name of intending employer:
2. Name of estate:
3. Situation:
4. Area under cultivation:
5. Crop intended to be cultivated:
6. Number of Pacific Islanders now employed:
7. Nature of work in which they are employed:
8. Number of European labourers usually employed:
9. Nature of work in which labourers for whom license is applied for are to be employed:
10. Number of Pacific Islanders employed who have been more than three years in Queensland:

A.B. [Signature of Applicant.]

Colonial Secretary's Office,  
Brisbane, 17th April, 1884.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the following General Instructions to be given to Government Agents appointed under the provisions of "*The Pacific Island Labourers Act of 1880.*"

S. W. GRIFFITH.

## INSTRUCTIONS TO GOVERNMENT AGENTS.

The attention of Government Agents is especially directed to the Acts and to the Regulations of the 17th of April, 1884, a copy of which is delivered to them herewith. Their duty is to see that the provisions of the Acts and the Regulations are strictly observed. They will act as directed by the Regulations, and will also observe the following instructions:—

1. Government Agents, when appointed to a ship, must see that they are furnished with the following papers and forms:—

- (1.) Official log or diary.
- (2.) Forms of certificate of due return of Islanders.
- (3.) Forms of certificates on engagement (Form I. of the Principal Act).
- (4.) Forms for inward passenger list.

2. Government Agents are especially to remember that the position in which they are placed renders them responsible to the Queensland Government alone. If the master or officers of the ship interfere with them in the performance of their duties or refuse to obey their directions, it will be their duty to report the matter to the Government by the first available opportunity, and immediately upon the ship's return to the colony.

3. The position occupied by Government Agents towards the master, officers, and other servants of the owners of the ship, is one which requires the exercise of much discretion, and, while taking every precaution to see that the Regulations are obeyed, they are not unnecessarily to interfere with the ship's officers in the discharge of their duties.

4. The Government Agent is required on taking charge of a ship to inspect all stores and clothing required for the voyage, with the view of ascertaining that they are of good quality and sufficient in quantity, and is, if satisfied, to certify to the Inspector of Pacific Islanders at the port of departure to that effect.

5. When at sea, the Government Agent is required to see that provisions are issued daily, according to scale; but he is expected to act with discretion in cases of sickness, or as to the issue of meat to young recruits.

6. The Log-Book with which the Government Agent is supplied must be carefully kept, and every occurrence of consequence noted therein. The Log-Book must be written up daily, and no additions must be made after the day's log is closed, nor will any interleaving be permitted.

7. On taking charge of islanders returning to their native islands, the Government Agent is to muster them from the list handed to him by the Inspector at the port of embarkation, which list will contain the native name of each Islander, his native island, and the part of it at which he is to be landed, and the name of the employer to whom he was originally indentured; and he will on no account allow any Islander whose name does not appear on such list to proceed in the ship.

8. He will, before leaving port, carefully compare his list of return Islanders with that furnished by the master to the Customs, and certify to the correctness of the latter.

9. On final departure from the Queensland coast, *but not before*, and on being satisfied that all regulations have been complied with, the Government Agent will hand the licenses to the master. Should any irregularity be discovered, of whatever nature, after clearance at the Customs, he will withhold the licenses, report at once, by telegraph, if necessary, to the Inspector at the port, and await instructions.

10. The Government Agent is required to see that every return passenger is duly landed along with his property, not only on his own island, but at his own village or district; and on no account must any Islander be landed at any island, village, or district, other than the one from which he originally came, unless he expressly wishes it, in which case a full explanation of the circumstances must be entered in the log.

11. If the Government Agent finds it necessary to give any directions to the master with respect to the observance of the Act or Regulations he is to do so in writing, a copy of which must be entered in the log. He is also to report the matter to the Immigration Agent by first opportunity.

12. Recruiting

12. Recruiting must in all cases be carried on by two boats working together, viz., a "recruiting boat" and a "covering boat;" the Government Agent is to go in the latter, so that in case of attack by natives he may have a reasonable chance of warning the recruiting boat which would be in shore of him. Recruiting by boats of the same vessel, at different places, at the same time, is not to be permitted, nor is recruiting to be allowed under any circumstances except in the presence of the Government Agent.

13. The Government Agent is to see that all Islanders recruited are engaged for service in a certain locality, in accordance with the licenses issued to the ship, and that each one fully understands the nature of the agreement he is about to enter into, as to rate of payment, and especially of duration of service; and if he observes that any recruit desires to come to a Queensland port other than those mentioned in the licenses or to which the vessel is not bound, he will explain to the Islander the destination of the vessel, and his chance of being employed by the master whom he desires to serve.

14. No Islander under the age of sixteen years is under any circumstances to be recruited, nor any Islander who is not in sound bodily and mental health.

15. The clothing prescribed by subsection 7 of section 12 of the Principal Act must in all cases be issued to the recruit immediately on his (or her) arrival on board; any failure in this respect is to be reported by the Government Agent on arrival in Queensland.

16. The Government Agent is to be careful to enter in his log and to report by first opportunity to the Immigration Office, Brisbane, any violation of the Acts or Regulations by any person engaged in the Pacific labour trade, with which he may become acquainted in the course of the voyage.

17. On arrival at a Queensland port, the Government Agent will at once forward to the Inspector a report of the voyage, accompanied by his log, giving particulars of the landing of all return islanders, and also a list of all inward passengers, specifying the name, sex, native island, and village or district of each passenger, and whether such passenger has previously been in Queensland or Fiji. The particulars given in this list must correspond with the particulars given in the Certificate of Agreement. (Schedule I. of the Principal Act.)

#### AMENDED REGULATION UNDER "THE PACIFIC ISLAND LABOURERS ACT OF 1880."\*

Colonial Secretary's Office,  
Brisbane, 24th April, 1884.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the following Regulation under "*The Pacific Island Labourers Act of 1880*," which is to be substituted for Regulation No. 6 under that Act, published in the *Gazette* of the 18th instant:—

*Ships to have distinguishing colour and marks.*

6. In order to distinguish Queensland labour ships from those of Fiji, New Caledonia, or other countries, they are to be painted of a light-slate colour, with a black streak at least six inches wide running fore-and-aft on both sides just below the covering board, and to carry when recruiting a black ball not less than eighteen inches in diameter at the mainmast head.

S. W. GRIFFITH.

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\* Published in the *Government Gazette* of the 24th of April, 1884.

An Act to Make Provision for the Assessment and Payment of  
Compensation to certain Employers of Pacific Island Labour-  
ers who have been returned to their Native Islands by order  
of the Governor in Council.

( assented to 26th August, 1885.)

Whereas it has been made to appear to the Governor of the Colony of Queensland in Council that certain Pacific Islanders introduced into the Colony under the provisions of "The Pac. Is. Labs' Act of 1880" did not understand the nature of their engagements when they were so introduced, and such islanders have consequently been returned to their native islands by the authority of the Governor in Council and at the expense of the said colony: And whereas in consequence of such return the employers of such islanders may have sustained losses by reason of being deprived of their services, and it is expedient that provision should be made for compensating such employers for such losses : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly in this present Parliament assembled, and by the authority of the same as follows :-

1. The employer of any islander so returned to his native island may at any time before the first day of January, 1886 send to the Colonial Secretary a claim setting forth the name of any islander so returned, the time when he was introduced into the colony, the cost and expense of the employer of his introduction, the time when the islander ceased to be employed, and particulars of the loss alleged to have been sustained by the employer by reason of being deprived of the services of the islander. Such particulars shall set forth in detail the mode in which the amount of the alleged loss is made up and computed.

2. For the purposes of investigating such claims and assessing the amount of loss sustained by the claimants a Court shall be and is hereby constituted, consisting of the Judge of the Southern District Court and two assessors.

One of the assessors shall in each case be nominated by the Governor in Council and the other by the claimant. Provided that when the



same person makes a claim in respect of the loss of the services of more than one islander the same persons shall be appointed as assessors in respect of the claims made for the loss of the services of all such islanders.

3. All claims, when received by the Colonial Secretary, shall be by him forwarded to the said Judge, who shall thereupon appoint a day and place for hearing and determining the same, and shall give not less than fourteen days' notice of such day and place to the Colonial Secretary and to the claimant.

4. Seven days at least before the day so appointed, the Colonial Secretary and the claimant shall respectively give notice to the other of them and to the Judge, of the names of the assessors appointed by the Governor in Council and the claimant respectively.

5. At the time and place so appointed by the Judge, or at some adjournment thereof, the Court shall proceed to inquire into the claims by such evidence, and in such a manner and form of procedure, as shall appear to the Judge to be most likely to do substantial justice between the parties. Provided, nevertheless, that the rules of evidence followed in the Supreme Court shall be observed upon every such inquiry, unless the Judge shall otherwise direct.

6. In assessing the damages the following rules shall be observed:-

- (1) A claimant shall not, except as hereinafter provided, be entitled to any damages that have not been actually sustained, or that are of a merely speculative nature; nor for any loss of prospective profits.
- (2) Regard shall be had to the length of time during which the islanders were actually employed by the claimant.
- (3) No greater damages shall be allowed than the actual net difference between the expenditure which has been actually incurred, or would have been incurred, by the claimant in respect of the introduction, maintenance, clothing, medical attendance, wages, and return of the islanders of whose services he has been deprived if such islanders had remained in his service for the full period of three years, and the same work which would have been performed by such islanders by such islanders if they had remained in the claimant's service, together with any loss which has been actually sustained by the claimant by reason of his inability to procure other labour.
- (4) A claimant shall not be entitled to any damages unless he proves

that he has used all reasonable means to supply the place of the islanders of whose services he has been deprived.

- (5) Regard shall be had to the probability of the islanders refusing or becoming incapable to work or dying before the expiration of the full period of three years.

7. If the assessors agree in assessing the damages their finding shall be the finding of the Court ; but if a difference of opinion arises between them the Judge shall decide, and his decision shall be the decision of the Court.

8. The Judge shall determine any point of law that may arise upon the hearing of any claim; and an appeal shall lie to the Supreme Court at Brisbane from any decision of the Judge upon any such point of law. Such appeal shall be in the form of a special case in the manner now used with respect to appeals from District Courts, and the Supreme Court shall have the same jurisdiction in respect of any such appeal as in the case of appeals from Districts Courts.

9. When a claimant makes claims in respect of two or more islanders removed from the same estate, all such claims shall be heard and determined together.

10. Any time herein prescribed for doing any act may be extended by leave of the Judge.

11. If an assessor dies, or refuses or becomes unable to act, the Governor in Council or the claimant, as the case may be, may nominate another person as assessor in his stead.

12. No person shall be appointed to act as an assessor who is in the Public Service, or in the employment of the claimant or of any other claimant.

13. The Judge may allow and add to the amount awarded as damages such reasonable sum as he may think fit for costs, assessors' fees, and witnesses expenses, but not exceeding in any case fifty pounds exclusive of assessors' fees and witnesses' expenses.

14. The Judge shall certify under his hand to the Governor the decision of the Court upon every claim, and the amount, if any, so certified to be due to the claimant shall be payable out of any moneys appropriated by Parliament for that purpose.

15. This Act may be cited as "The Pacific Islanders' Employers' Compensation Act of 1885".

Sup. to Q'land Govt. Gazette 28th August, 1885.

QUEENSLAND.

anno quadragesimo nono.

Vic. Reg. .

No. 17.

An Act to further Amend the Pacific Island Labourers Act  
of 1880, and to put a limit on its Operation.

( assented to 10th November, 1885.)

Whereas the amounts contributed by employers under "The Pacific Island Labourers Act of 1880" are insufficient to defray the expenses of the administration of that act, and it is expedient that such amounts should be increased, and that the said Act should be amended in other respects: And whereas it is further expedient that the introduction of labourers from the Pacific Islands should not be continued after the year 1890 : Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows :-

1. This Act shall be read and construed with and as an amendment of "The Pacific Island Labourers Act of 1880 ", hereinafter called the Principal Act.

2. This Act may be cited as "The Pacific Island Labourers Act of 1880 Amendment Act of 1885".

The Principal Act and "The Pacific Island Labourers Act of 1880 Amendment Act of 1884" and this Act may together be cited as "The Pacific Labourers Acts 1880-1885".

3. The term "Inspector" in the ssid Acts includes "Assistant Inspector", and the Governor in Council may from time to time appoint fit Islanders and proper persons to be Assistant Inspector of Pacific ~~Islands~~<sup>Islanders and</sup> ~~Labourers~~ Labourers for the purposes of the said Acts. Any such appointments heretofore made is hereby declared to be and to have been valid.

4. In any case in which, after the introduction of an islander into Queensland, the island of which he is a native comes or has come to be within the jurisdiction of any other civilized power, the provisions of "The Pac. Is. Labs. Acts 1880-85" shall nevertheless continue to apply to such islander so long as he remains within the Colony.

5. The sum to be paid by an applicant to the Immigration Agent under the provisions of the eighth section of the Principal Act shall be three pounds for each islander proposed to be introduced, instead of thirty



shillings as therein provided. And the said eighth section of the Principal Act shall hereafter be read as if the sum of three pounds were therein mentioned instead of thirty shillings, whenever the latter is therein mentioned.

6. Every employers of islanders in a district in which a hospital for islanders and labourers has been established shall pay a hospital capitation fee at the rate of twenty shillings per annum for every islander in his employment instead of at the rate of ten shillings for every labourer as provided by the twenty-eighth section of the Principal Act; and the said section shall be read and construed as amended to the effect accordingly.

Such sum shall be payable on the first day of January in every year, in respect of every islander then in the employment of an employer.

Provided that if the term of engagement of an islander will expire before the first day of July following one half of that sum only shall be payable.

The like sum of twenty shillings shall be payable by every employer in respect of every islander engaged by him between the first day of January and the thirtieth day of June inclusive in any year, and one half of that sum shall be payable in respect of every islander engaged by him between the first day of July and the thirty-first day of December inclusive.

Upon the first establishment of a hospital in a district the hospital capitation fee shall be immediately payable in respect of every islander then employed in the district, and shall be at the rate of twenty shillings for each islander so employed, unless the time of such establishment is after the thirtieth day of June, of the term of ~~an islander~~ engagement of an islander will expire within six months from the time of such establishment, in either of which cases the fee payable in respect of all the islanders, or of the islanders whose engagements will so expire, as the case may be, shall be at the rate of ten shillings only.

When the time of the establishment of the hospital is after the thirtieth day of June, and the term of engagement of an islander will expire within six months from the time of such establishment, no further fee shall be payable in respect of such islander on the first day of January following.

7. No hospital capitation fee shall be payable in respect of islanders who are registered as exempt from the provisions of the third and fourth sections of "The Pac. Is. Iab. Act of 1880 Amend. Act of 1884", and

54  
the cost of the treatment of an islander so registered shall be borne by his employer.

8. Notwithstanding anything to the contrary contained in "The Intestacy Act of ~~18~~ 1877", when an islander dies intestate all moneys which are then to his credit in the Govt. Savings Bank, or which are received by the Curator of Intestate Estates, shall be paid into the Treasury to the credit of "The Pacific Islanders' Fund".

But the Minister shall nevertheless apply such moneys, in a due course of administration, in payment of any debts due by the deceased islander, and may pay the surplus or any part thereof to any person proved to his satisfaction to be the next of kin or one of the next of kin of the deceased islander.

9. All ~~the~~ moneys recovered in respect of any bond given under the Principal Act shall be paid into the Treasury to the credit of "The Pacific Islanders' Fund".

10. The money standing to the credit of "The Pacific Islanders' Fund" shall be available, and may be applied by ~~written~~ order of the Governor in Council, for the payment of any expenses lawfully incurred in and about the execution of any of the provisions of "The Pac. Is. Lab. Act 1880-85" or in ~~about~~ and about any act or thing done by the Minister for the protection or benefit of any islanders.

Limit to Period for Introduction of Islanders.

11. After the thirty-first day of December, 1890 no license to introduce islanders shall be granted.

Sup. to Q'land Govt. Gazette. 13th November, 1885.

QUEENSLAND.

anno quinquagesimo

Vic. Reg.

No. 6.

An Act to further Amend "The Pacific Is. Lab. Act of 1880".

(assented to 4th September, 1886.)

Whereas by "The Pac. Is. Lab. Act of 1880" it is declared that the term "Pacific Islander" or "Islander" shall mean a native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's Dominions, nor within the jurisdiction of any civilised Power: And whereas by reason of the recent acquisition of territory in the Pacific Ocean by civilised Powers it is necessary that the said definition should be amended: And whereas it is desirable to amend "The Pac. Is. Lab. Acts 1880-85" Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows :-

1. This Act shall be read and construed with and as an amendment of "The Pac. Is. Lab. Acts of 1880-85" and the said Acts and this Act may together be cited as "The Pac. Is. Lab. Acts 1880-86"

2. In "The Pac. Is. Lab. Acts 1880-85" the term "Pacific Islander" or "Islander" shall mean and include, and shall, so far as regards islanders, already in Queensland, be deemed to have always meant and included, a native, not of European extraction, of any island in the Pacific Ocean, which was not on the eighteenth day of November 1880, within Her Majesty's Dominions or within the jurisdiction of any civilised Power.

3. Whenever a question arises whether at the date last mentioned any island in the Pacific Ocean was within the jurisdiction of any civilised Power, the burden of proof shall lie upon the person alleging the fact that such island was at that date within such jurisdiction.

4. The provisions of the twenty-fourth section of "The Pac. Is. Lab. Act of 1880" shall apply to islanders who are registered as exempt from the provisions of the third, fourth, and tenth sections of "The Pac. Is. Lab. Act of 1880" and "The Amn. Act of 1884", as well as to other islanders.

5. The cost of any islander dying while under engagement shall be paid by his employer; and if such cost is defrayed in the first instance by an officer of police or any other person, an inspector may, on his behalf,

10

sue for and recover ~~that~~ same from the employer in a summary way before any two justices ; but the employer shall be entitled to be recouped the reasonable amount of such cost out of the personal estate, if any, of the ~~islander~~ islander.

6. Nothing in this Act shall be deemed to impose any liability upon any person for any act lawfully done before the passing of this Act.

Sup. to Q'land Govt. Gazette. 4/6/87.

Shipowner to give preliminary notice.

29. Any shipowner, agent, or charterer intending to apply for a shipmaster's license to convey labourers to and from Q'land and the Pacific Islands shall give a preliminary notice of his intention so to do to the inspector nearest to the port in which the ship is lying.

The notice must state -

- (a) Where the ship is lying;
- (b) If any, and what, repairs and alterations it is intended to make in the ship;
- (c) What return islanders it is intended to carry, and at what port they are to embark;
- (d) To what group it is intended to despatch the ship; and
- (e) What limit, if any, it is proposed to place upon the duration of the voyage.

British subjects only to be employed.

30. No person other than a British subject shall be permitted to embark in any Q'land labour vessel, either as master, mate, or as member of the ship's crew, and every person embarking or employed on board such vessel in any such capacity, shall be required to make an acknowledgement of his nationality before he is permitted to engage in the island labour trade.

Passengers proceeding to islands must obtain permission of Minister.

31. No person shall be permitted to proceed to the islands as a passenger without the permission of the Minister.

Space over hatchways.

32. The space over the hatchways enclosed by louvres must not be used for stowing spare sails or for any other purpose, but shall be left free for the access of air.

Windsails and Awnings.

33. Every ship must be furnished with wind-sails and awnings.

Three boats to be provided for each ship.

34. Every ship must be provided with at least three boats, to be approved by the shipping inspector at port of departure. These boats must be painted red outside and green inside.

Rice to be packed in tanks or tin cases.

35. Rice intended for use during the voyage must be carried in tanks or in tin-lined cases.

Pigs and dogs may be carried.

36. Pigs and dogs may be carried in the ship if desired, the former in a suitably constructed pen in an appropriate position, and the latter in properly constructed kennels; in both cases without encroaching upon reserved deck area.

Regard to be had to number of boatmen in regulating number of recruits.

37. In ships in which no separate provision is made for the berthing of boatmen on board at any one time exceeds that for which provision is made, regard thereto must be had, in regulating the number of recruits, so that at no time shall there be on board of any vessel an excess of the number of islanders which such vessel is certified as having a capacity to carry.

Separation of sexes.

38. Any door or other means of communication between the male and female quarters which may exist for convenience when in port, or for cleaning the ship, must be kept locked or nailed up when at sea and when islanders of both sexes are on board.

Alteration in size of male & female compartments.

39. Should it be found necessary, in view of the special circumstances of any voyage, to increase or decrease the size of the compartment set apart for married people or females it can be done - if in port, with the consent of the inspector, and, when at sea, by the concurrence of the master and Govt. agent - care being taken that the separation of the sexes is complete, and that the 78 cubic feet of space prescribed by the Act is provided for each passenger, and that the total number of islanders which the vessel is licensed to carry is not exceeded.

Recruiting to be conducted by person duly approved.

40. The recruiting must be conducted by the person whose name is submitted and approved (on Schedule. N. ). In case of his being from any cause unable to perform the duty, or of his being superseded or distressed, the person appointed by the master to fill his place must

be approved by the Govt. agent. The prosecution of the duties of recruiter by the master must not be permitted.

Recruits to be refused unless interpreters available in the colony.

41. If at any time whilst recruiting is proceeding, it shall appear to the Govt. agent that on the return of the vessel to the colony difficulty may be experienced in procuring the services of an interpreter for any ~~islander~~ islander proposed to be recruited, the Govt. agent shall not hesitate to refuse his sanction to the engagement of any such islander, notwithstanding the fact that he may be in a position to explain to such islander the conditions of the engagement by means of interpreters at the islands.

Engagement of islanders at places other than their native islands.

42. Notwithstanding the conditions contained in the latter portion of Clause 19 of the Regulations published in the Gazette of 18th April, 1884, the Govt. agent may permit the engagement of any islander at any other than his native island, provided it is satisfactorily shown to the Govt. agent that such has left his native island and is permanently residing on the island at which he desires at engagement. (?)

The Govt. agent must not, however, sanction the engagement of any such islander who is employed by, or under engagement to, any European settler or trader on any island of the Pacific.

Discharge and payment of native boatmen.

43. The discharge of native boatmen at the Islands with orders for their wages drawn upon the owners, is strictly prohibited. Gold and silver coin must be carried by the master of the ship for this purpose; should an islander, however, wish to take any part of his wages in trade, it must be given him, under the supervision and to the satisfaction of the Govt. agent.

Exchanging return islanders.

44. The handing over of return islanders to, or exchanging them with any other Q'land labour vessel can only be permitted under most urgent and exceptional circumstances, and the Govt. agents allowing it must be prepared with very special reasons for their action.

Additional Instructions to Government Agents

Appointed under the P. I. L. Act of 1880.

18. The Govt. agent must note in the proper place in the log the dates and places of discharge of every boatman employed on board the vessel, and in the cases of boatmen brought or returned to the colony a record of the fact must be carefully made and the circumstances under which they have been so brought or returned must be fully stated in the log.

19. The list of the crew given in the log is to be compared with the ship's articles, adding or amending from time to time as necessary.

20. The Govt. agent will be informed what fixtures have been measured when calculating the carrying capacity of the ship, and he will on no account permit anything else to be placed in the islanders' quarters, except their luggage.

21. The attention of the Govt. agent is particularly directed to that provision in the Principal Act ( Section 11 ) which requires that there shall be available for exercise, on the upper deck or poop, or on any deckhouse, properly secured and fitted on the top with a railing or other kind of guard, at least five superficial feet clear for each passenger the ship is authorised to carry.

On no account must the Govt. agent permit any fittings to be placed on the deck, after the ship's departure from the colony, which will have the effect of reducing the deck-space allowed for exercise.

22. The Govt. agent must see that the outward passenger list with which he is furnished contains in the left-hand column a serial number (from one upwards) opposite the name of each islander, which number, with the name of the islander opposite it, must be recorded in the log on the day the islander is landed.



23. Return islanders, being passengers equally with recruits, are entitled to receive the stipulated ration of tobacco.
24. Special attention is directed to the preparation of the certificates of engagement (See Schedule I. of P.I.L. Act of 1880.) They must be prepared and completed as the recruiting proceeds, and be delivered from time to time to the master, to be handed by him to the inspector on arrival.

A certificate may contain the result of more than one day's recruiting, in which case due care must be taken to set out in the left-hand margin the date, which must be consecutive, on which each recruit was enlisted, but in no case should more than five consecutive days' work be included on one certificate.

25. The provisions of the previous clause are, with necessary modifications, applicable to certificates of due landing.
26. When events to be recorded in the log for one day are few, the proceedings of two or more days may be placed on one page - a sufficient space being left between the record of each day to avoid confusion.
27. In the table in the log designed to show the number on board each evening against the word "others", is intended to be placed the number of native boatmen or native people other than return islanders and recruits specifying each separately.
28. The name of the island off which the ship is working must be placed in large characters in the margin of each day's record in the log.
29. It is the Govt. agent's duty to accompany the boats whenever they are employed in recruiting or landing islanders, or in procuring native food, or trading in any other way with the natives on the islands. The boats must only be employed within reasonable working hours, and if the Govt. agent is sick the work must be suspended until he is able to resume duty.
30. The names of all recruits, when once they have been entered on the certificates, are to appear on the inward list, numbered from one upwards, in the order in which they were engaged. If any should die, desert, or be released from agreement, the fact is to be recorded, and a red line drawn through the name, but the number is not to be used a second time. Before arrival a summary of the recruits actually on board should be placed at the foot of the list, showing the number from each island, and distinguishing the different groups of islands.
31. A place is to be set apart on the inward list for any identification marks that can be found upon a recruit, marks on the face, neck, or hands being preferred.
32. Relationship existing between any recruits should be noted on the inward list - thus "no. 23 brother of 26" etc. etc., but no notice need be taken of any connection more remote than that existing between parent and child, man and wife, or brother, in the literal sense of the word.
33. In the daily record in the log, the name of each recruit obtained must appear, as also the number allotted to him on the list and on the certificate of engagement.
34. The log, report, and all papers should be complete and ready for delivery to the inspector ~~on arrival~~ immediately on arrival.
35. The report of the Govt. agent should be a brief, clear, and complete resume of the voyage, bringing into <sup>view</sup> any events of consequence, and closing with any recommendations he may desire to make or complaints he may have to prefer.
36. The Govt. agent should telegraph to the local inspector, and to the P. I. Office, Brisbane by the first opportunity on arrival and the last on departure, giving the number (excluding children) of males and females in his charge and the number of native boatmen, and, in the case of arrival, briefly the nature of any complaint he intends to prefer against any of the officers or crew of the ship.

An Act to further Amend "The Pacific Island Labourers Acts, 1880-5

( assented to 14th April, 1892.)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :-

1. This Act shall be read and construed with and as an amendment of "The Pacific Island Labourers Acts 1880-5".

2. This Act may be cited as "The Pacific Island Labourers (Extension) Act of 1892". "The Pacific Island Labourers Acts 1880-5", and this Act may together be cited as "The Pacific Island Labourers Acts, 1880-1892".

3. The fifth section of ~~the~~ "The Pacific Island Labourers Act of 1880 Amendment Act of 1884" and ~~the~~ the eleventh section of "The Pacific Island Labourers Act of 1880 Amendment Act of 1885" are hereby repealed.

4. In "The Pacific Island Labourers Acts 1880-1892, the term "tropical or semi-tropical agriculture" includes the work of handling sugar-cane and megass, but does not include any work in connection with the cultivation of maize, or the work of ploughing, or, except as aforesaid, any work done within a sugar factory or refinery.

5. At the expiration of the engagement of a labourer, his employer shall be bound to maintain him until he has an opportunity of returning to his native island, or enters into a fresh agreement with the same or some other employer to serve in tropical or semi-tropical agriculture.

If an employer fails so to maintain a labourer, he shall be liable to a penalty not exceeding ten pounds, and shall also be liable to pay the actual cost of the maintenance of the labourer, which may be recovered by summary proceedings at the suit of an Inspector.

6. The Regulations may provide that when a labourers or islander dies during the term of his engagement, any part of the money standing to his credit in the Government Savings Bank, or any part of the wages payable to him at the time of his death, shall be applied



in payment to his friends or relatives upon his native island, or in the purchase of goods to be delivered to such friends or relatives. Any such Regulation shall be valid, and any money authorised by the Regulations to be so applied may be paid out of "The Pacific Islanders' Fund" for the purpose so authorised.

The scales of clothing and provisions prescribed by "The Pacific Island Labourers Act of 1880" to be supplied to islanders may be varied by the Regulations.

No. 16. of 1901.

An Act to provide for the Regulation, Restriction,  
and Prohibition of the Introduction of Labourers  
from the Pacific Islands and for other purposes.

(Assented to 17th. December, 1901.)

Be it enacted by the King's Most Excellent Majesty, the Senate,  
and the House of Representatives of the Commonwealth of Australia,  
as follows :-

1. This Act may be cited as the Pacific Island Labourers  
Act of 1901.

2. In this Act, unless the contrary intention appears -  
"Agreement" means any agreement for service made with Pac-  
ific Island Labourers Acts 1880-1892 of the State of Quee-  
nsland.

"Licence" means a licence under those Acts to introduce lab-  
ourers from the Pacific Islands.

"Minister" means the Minister for External Affairs.

"Pacific Island Labourer" includes all natives not of Eur-  
opean extraction of any island except the islands of New  
Zealand situated in the Pacific Ocean beyond the Common-  
wealth as constituted at the commencement of this Act, but  
does not include -

(a). persons registered under section eleven of the  
Queensland Act 47 Vic. no. 12. on the ground of con-  
tinuous residence in Queensland for a period of not  
less than five years before the first day of September  
1884.

(b). persons employed as part of the crew of a ship; or

(c). persons possessed of certificates of exemption  
under the Immigration Restriction Act 1901.

3. No Pacific Island labourer shall enter Australia on or  
after the thirty-first day of March, 1904.

4. No Pacific Island labourer shall enter Australia before the  
thirty-first day of March, 1904, except under a licence.

5. No licence shall be granted except as provided in this Act.

6. Nothing in this Act shall prevent the granting of licences

63  
as follows :-

(a) During the year 1902, to the number of not more than three-fourths of the number of the Pacific Island labourers who have returned to their native islands during the year 1901.

(b) During the year 1903, to the number of not more than one half of the number of the Pacific Island labourers who have returned to their native islands during the year 1902.

7. No agreement shall be made or remain in force after the thirty-first day of December 1906.

8. (1) An officer authorized in that behalf may bring before a court of summary jurisdiction a Pacific Island labourer found in Australia before the thirty-first day of December 1906, whom he reasonably supposes not to be employed under an agreement; and the court, if satisfied that he is not and has not during the preceeding month been so employed, shall order him to be deported from Australia, and he shall be deported accordingly.

(2) The Minister may order a Pacific Island labourer found in Australia after the thirty-first day of December 1906, to be deported from Australia, and thereupon he shall be deported accordingly.

9. Any person who -

(a) contrary to this Act introduces a Pacific Island labourer or allows a Pacific Island labourer to enter Australia; or

(b) employs a Pacific Island labourer except under an agreement

shall be liable on summary conviction before a police stipendiary or special magistrate sitting as a court of summary jurisdiction to a penalty not exceeding one hundred pounds.

10. In any proceeding under this Act, a person alleged to be a Pacific Island labourer shall be deemed to be a Pacific Island labourer until the contrary is shown.

11. (1) The Governor-General may make regulations for carrying out this Act.

(2) All such regulations shall be notified in the Gazette and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days of the making thereof if the Parliament be then sitting, and if not then within thirty days after the next meeting of the next Parliament.

COMMONWEALTH OF AUSTRALIA.

No. 22 of 1906.

An Act to amend the Pacific Island Labourers

Act 1901.

( Assented to 12th October, 1906.)

Be it enacted by the King's Most Excellent Majesty, the Senate,  
and the House of Representatives of the Commonwealth of Australia,  
as follows :-

1. This Act may be cited as the Pacific Island Labourers Act 1906, and this Act and the Pacific Island Labourers Act 1901 shall be read together, and the Pacific Island Labourers Act 1901 as amended by this Act may be cited as the Pacific Island Labourers Act ~~1901~~ 1901-1906.

2. After section eight of the Pacific Island Labourers Act 1901 the following section is inserted :-

8 A. -(1.) The Minister may grant a certificate to any Pacific Island labourer excepting him from all or any of the provisions of this Act.

(2.) Certificates under this section shall be of two classes, namely --

(a) general certificate to be issued only to a Pacific Island labourer who proves to the satisfaction of the Minister --

(i) That he was introduced into Australia prior to the first day of September, 1879; or

(ii) That he is of such extreme age, or is suffering from such bodily infirmity as to be unable to obtain a livelihood if returned to his native island; or

(iii) That having been married before the ninth day of October 1906, to a native of some island other than his own, he cannot be deported without risk to the life of either himself or his family; or

(iv) That he has been married before the ninth day of October 1906 to a female not native of the Pacific Islands; or

(v) That he was on the first day of July 1906, and still is, registered as the beneficial owner of a freehold in Queensland; or

(vi) That he has been continually resident in Australia for a period of not less than twenty years prior to the thirty-first day of December 1906; and

(b). special certificate (not to be issued or remain in force after the thirtieth day of June, 1907), to be issued to a Pacific Island labourer whom in the opinion of the Minister it will not be convenient to return to his island immediately after the thirty-first day of December, 1906.

(3). A special certificate under this section shall, subject to the terms and conditions expressed in the certificate, have the effect of excepting the Pacific Island labourer mentioned therein from any specified provisions of this Act, but may be cancelled by the Minister at any time.

(4). A general certificate under this section shall, subject to the terms and conditions expressed in the certificate, have the effect of excepting the Pacific Island labourer mentioned therein from any specified provisions of this Act, but may be cancelled by the Minister if at any time he has reason to think such certificate has been obtained by false and fraudulent representation.

3. Any person aiding or abetting any Pacific Island labourer in the obtaining of a certificate of exemption by means of false and fraudulent representation to the Minister shall be deemed guilty of an offence against this Act.

Penalty: Fifty pounds, or three months' imprisonment, or both.

Commonwealth of Australia.

No. 3. of 1903.

An Act to abolish the Rebate of Excise Duty on Sugar.

(Assented to 30th July, 1903)

1. This Act may be cited as the Sugar Rebate Abolition Act 1903.
  2. The schedule to the Excise Tariff 1902 is hereby amended by the omission of the provision for a rebate of excise duty on sugar.
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No. 4. of 1903.

An Act to provide for a Bounty to Growers of Sugar-Cane and Beet.

Growers of cane who have used white-labour only since 28-2-1903, shall receive a bounty on all cane or beet delivered for manufacture. No ~~the~~ cane planted by black labour is eligible

3. The bounty in the case of sugar-cane shall be at the rate of 4/- per ton calculated on cane giving  $\frac{1}{2}$  10% of sugar, and shall be increased or reduced proportionately according to any variation from this standard.
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No. 11. of 1903.

An Act relating to Naturalization.

(assented to 13th October, 1903.)

Pacific Islanders expressly denied naturalization by Section 5.

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No. 9. of 1905.

An Act to provide for the acceptance of British New Guinea as a Territory under the authority of the Commonwealth, and for the Government thereof.

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No. 23. of 1905.

Sugar Bounty Act.

Bounty for white labour.;..... 6/- a ton for 10% sugar.